



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

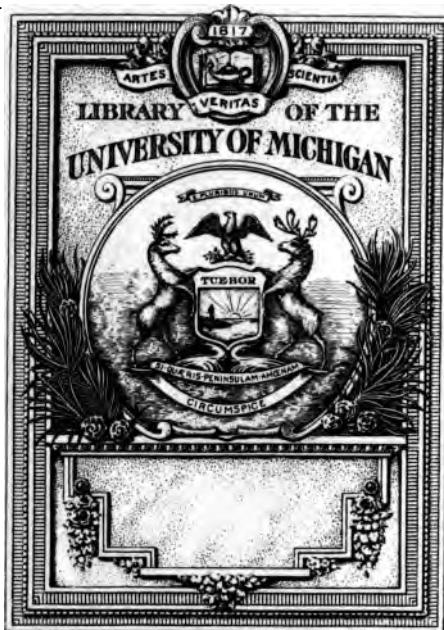
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

A 475119

The Reckoning

A Discussion of the
Moral Aspects of the Peace Problem,
And of Retributive Justice as
An Indispensable Element

James M. Beck



D
613
.B39



By James M. Beck

The Evidence in the Case

The War and Humanity

The Reckoning

The Reckoning

A Discussion of the Moral Aspects of
The Peace Problem, and of Retributive
Justice as an Indispensable Element

By

James M. Beck

Author of

“The Evidence in the Case,” “The War and Humanity”
Membre correspondant à l’Étranger de la Société des Gens de
Lettres de France

“ÉCRASEZ L’INFÂME”
—Voltaire

G. P. Putnam's Sons
New York and London
The Knickerbocker Press
1918



COPYRIGHT, 1918
BY
JAMES M. BECK

The Knickerbocker Press, New York

TO

THEODORE ROOSEVELT

A CONSISTENT CHAMPION OF THE HIGHER LAW,
AN UNTIRING FIGHTER FOR THE SQUARE DEAL,
WHOSE WHITE PLUME, LIKE THAT OF HENRY OF NAVARRE,
HAS BEEN IN THIS DAY AND GENERATION
IN THE FOREFRONT OF EVERY STRUGGLE
FOR THE COMMON WELFARE,
AND WHO, HIMSELF WILLING TO DIE FOR THE GREAT CAUSE,
MADE THE GREATER SACRIFICE OF A NOBLE SON,
THIS BOOK IS DEDICATED BY ONE
PROUD TO BE HIS CO-WORKER.

*Gift
Prof. W. W. Westcott
2-10-73*

FOREWORD

THE year 1759 witnessed the birth of an historic phrase. Such births are even rarer than those of great men. Countless millions of civilized human beings talk and write from the rising of the sun to the going down thereof, and it was said of old that "of the making of many books there is no end"; and yet the never-ending currents of thought and expression, the innumerable pages of print, thick as "the leaves of Vallambrosa," rarely yield a single expression that passes into history, as voicing some great movement of a given period.

Even the present world upheaval, with the extraordinary fermentation to which it has given rise, has brought forth few phrases that will resound in the ears of men to the last syllable of recorded time.

The few that we can readily recall are more famous for their folly than for their wisdom. But the words which, as Carlyle said of Luther's "were in themselves battles" have rarely been uttered during this crisis by any responsible statesman of the world. This is as strange as it is true.

There has been a tendency to decry phrases and phrase-making and yet it has repeatedly happened in history that a whole situation has been illumined as in a flash with a phrase and that such phrases have often been more potent in carrying a nation to victory than an army corps.

The rallying cry of the French Revolution, "Liberty, equality, and fraternity," stimulated France for generations and has much to do with the democracy of the French army, which *in hoc signo* preserved its morale on the great retreat from the frontier to the Marne. Jefferson's potent words at the beginning of the American Republic and those of Tom Paine were great factors in the struggle for independence, while the phrase of an American envoy, "Millions for defense but not one cent for tribute," epitomized in a few words a great situation and will never be forgotten.

Lincoln, that master of potent phrases, again and again gave eloquent expression to the irrepressible conflict over slavery and to the passion and sense of union which carried us through the Civil War. "Government of the people, by the people, and for the people," will never be forgotten, even as his philosophic summary of the whole slavery problem, that "This government cannot en-

dure permanently half slave and half free" defined in a phrase the reason why the Civil War was inevitable.

Lloyd George, in his many admirable speeches, has shown a like genius for phrase-making and his words have been of inestimable value in meeting immediate crises in the present war.

The nobility and justice of France's position was epitomized in a single phrase by Viviani, when at the outbreak of the war, he said, "We have been without reproach, we shall be without fear." Time has given that noble statement full proof.

President Wilson's phrase that America should fight "to make the world safe for democracy" had also potent force and reconciled more than one discordant element in America to the inevitability of its participation in the world quarrel.

The phrase, which the author has written on the title-page of this book as its dominant note, "*Écrasez l'Inflame*" is one that lingers in the minds of men, irrespective of the occasions and reasons that called it forth. It can be likened to the more famous phrase of Cato, when he summed up the whole destiny of Rome in the famous words: *Carthago delenda est.*

Voltaire's famous phrase, with which for many years he ended books, pamphlets, addresses, letters, and even conversations, had far more than a

theological or ecclesiastical significance. By it he proclaimed unending war upon every form of tyranny over the mind of man. Whatever its primary purpose may have been, its ultimate aim was not an attack upon Christianity. Voltaire's real purpose was to attack any and every institution which, in his judgment, strangled thought and crushed the human soul.

It may be well to remember the historic need that called forth this famous challenge to arbitrary power.

The year 1759 was a fateful one. It represented a great crisis in human history, and in it can be found the root of the present war and if that crisis had been met with more perseverance and greater fidelity to the cause of justice and freedom, it is quite possible that the present world war would never have been.

Let me briefly recall the facts. In the year 1740, Frederick, falsely called the Great, ascended the throne of Prussia. A few months later Charles VI., the last descendant of the male line of the house of Austria, died. In anticipation of his death without a male heir, Charles had devoted the latter part of his life to the perpetuation of the house of Hapsburg through the female line. For this purpose he had promulgated a new law of succession known as

the "Pragmatic Sanction." For many years prior to his death he had been working to this end and had obtained from every European power express renunciation of any rights which they might have which would conflict with the succession to his throne of his daughter, Maria Theresa. England, France, Spain, Russia, Poland, Prussia, Sweden, and Denmark had all solemnly bound themselves by treaty, to maintain the Pragmatic Sanction, even as some of these powers had in a later century solemnly covenanted to preserve inviolable the neutrality of Belgium.

As Macaulay well said, "that instrument was placed under the protection of the public faith of the whole civilized world." Then as now that public faith was brought to shame by Prussia.

When the beautiful and accomplished Maria Theresa ascended the throne, she was in her twenty-fourth year, and while so solemn and deliberate a covenant should not have required a further guaranty, she at once proceeded to secure a direct reaffirmation of her rights as the heir of the house of Hapsburg.

All nations reaffirmed the solemn guaranty given to her father, and from none did any stronger assurance of support come than from Frederick the Base, King of Prussia.

Foreword

At the very time that he gave these assurances, he was planning to rob Maria Theresa of a part of her inheritance, the province of Silesia.

While he publicly defended his breach of faith, yet privately he avoided any hypocritical justification of it, for to quote his Memoirs, "Ambition, interest, the desire of making people talk about me, carried the day and I decided for war."

The frank avowal that an insensate craving for notoriety had led him into an indefensible betrayal of a solemn promise, indicates that his descendant, who now occupies his throne, is not the first of the Hohenzollerns who would betray a trusting world for a little cheap notoriety.

Suffice it to say that like a thief in the night, Frederick the Base entered Silesia and tore it from Austria.

It must be said to the credit of the civilized world, that it sprang to arms in defence of the public faith of nations. The last world war before this one was precipitated, and, as Macaulay again says:

On the head of Frederick is all the blood which was shed in a war which raged during many years and in every quarter of the globe, the blood of the column of Fontenoy, the blood of the brave mountaineers who were slaughtered at Culloden. The

evils produced by this wickedness were felt in lands where the name of Prussia was unknown, and in order that he might rob a neighbour whom he had promised to defend, black men fought on the coast of Coromandel and red men scalped each other by the Great Lakes of North America.

Once the coalition failed, only to be reunited by the dauntless courage and untiring efforts of the noble Empress of Austria.

A second coalition was formed in 1756, and as the people of the allied nations numbered a hundred millions and those of Prussia barely five, it seemed wholly probable that the great wrong done to Silesia would be avenged and that the Hohenzollern dynasty would be destroyed as the arch-robbler of modern history.

For a time Frederick the Base, by military skill which was as great as his motives were iniquitous, triumphed against his enemies, but in 1759 he had apparently reached the end of his strength. The Austrians had entered Saxony and menaced Berlin; the Russians had defeated the Prussians on the Oder, and threatened Silesia. At Kunersdorf a great battle was fought and Frederick the Base suffered what seemingly was, and what should have been, an overwhelming defeat. He himself thus announced it in a message to Berlin. The

battle ended in such a rout as Napoleon suffered at Waterloo; Frederick himself barely escaped falling into the hands of his conquerors. As Macaulay says:

Shattered in body, shattered in mind, the king reached that night a village which the Cossacks had plundered; and there in a ruined and deserted farmhouse, flung himself on a heap of straw. The defeat was in truth overwhelming. Of fifty thousand men, who had that morning marched under the black eagles, not three thousand remained together. The king bethought him again of his corrosive sublime, and wrote to bid adieu to his friends, and to give directions as to the measure to be taken in the event of his death. "I have no resource left" such is the language of one of his letters—"all is lost. I will not survive the ruin of my country. Farewell, for ever!"

As I write, the word that comes from Germany is that the successor of Frederick the Base spends his time in weeping and hysterical grief. The best thing he could now do would be to follow the example of Judas Iscariot after the great betrayal.

Had Frederick the Great been altogether crushed, the house of Hohenzollern would have perished with him, and in that event it may well be doubted whether the world war would ever have taken place.

It was the insensate greed of that house, whose ambition like that of Macbeth, "o'erleaped itself," which led to the subsequent attacks upon Poland, upon Denmark, upon Austria, upon France and finally, in our time, upon the greater part of the world.

It was the false prestige of Frederick the Base, in defending the petty principality of Prussia against three-fourths of the world, that gave to the German people that megalomaniac pride that induced the present world war. Had there been no Frederick the Great, there would have been no William the Second.

It was the cult of Frederick the Great, taught in every German school-house and university, taught even to German children at the parental knee, that produced the extraordinary reversal of all morality which led the German people into the insane belief that in the community of nations there was no morality and that the only law was that of brute force.

Unfortunately, the house of Hohenzollern was not then destroyed and in this present world war it is an ominous parallel to recall that the coalition failed in 1759 in securing a final triumph over a robber dynasty through the treachery of Russia. When the Hohenzollern fortunes were at their

lowest ebb a new Czar ascended the throne of Russia, who promptly deserted his Allies and even gave his troops to the failing cause of the Hohenzollern, even as the Bolsheviks today, with the lure of German gold, are giving aid to the ancient enemy of Russia.

It was in this fateful year, 1759, that Voltaire launched his eternal curse, "*Écrasez l'Infâme.*" It is true that it had no direct or primary reference to the house of Hohenzollern. Voltaire's curious relations with Frederick the Great were such as to forbid the idea that he had Frederick the Great in mind, but it is true that Voltaire's attack upon every institution, political or ecclesiastical, which strangled the human soul, did include the house of Hohenzollern, under which, then as now, no genuine liberty has ever been permitted to the German people.

Today millions of people have again taken up the cry, "*Écrasez l'Infâme!*" That which was left undone in the Seven Years' War, the groaning peoples of the civilized world, including no inconsiderable element of the German people themselves, are now determined to finish.

Statesmen may frame adroit formulas, and plan the shifting of territorial lines in order to satisfy the territorial aspirations of nations, but that

which really concerns the souls of the uncounted millions of people, who are suffering and offering their lives in this struggle, is *that this time the house of Hohenzollern, which has brought this immeasurable evil upon the world and which has been from the very beginning a lasting curse to humanity, shall be destroyed and that with it the Prussian Empire which was created by the house of Hohenzollern in the iniquitous war of 1870-71 shall also be destroyed.*

The masses, who in the long run will determine the terms of peace, are not as much interested in the changes of the map as they are in the changes of the human factors. To them the war will have been fought in vain, if the Prussian Empire, or the house of Hohenzollern, were permitted to continue.

As the cry went through Europe in 1814, “Enough of Bonaparte!”—so the thought which underlies Voltaire’s immortal phrase is now stirring most deeply the souls of men. “The Monster” must be crushed, so that never again need the world be burdened with such intolerable suffering by the insensate ambition of a single reigning house.

Certainly this is the principal interest which America has in the struggle. It takes little interest in the problems of European politics, or the question of its balance of power. Its concern is

chiefly with the great criminal, and to it the main issue of the war is the punishment of that criminal. This was finely expressed by President Wilson in his address to Congress in December, 1917, in the words that I have ventured to put upon the title page of this book:

This intolerable Thing, of which the Masters of Germany have shown us the ugly face, this menace of combined intrigue and force, which we now see so clearly as the German Power, a Thing without conscience or honour or capacity for covenanted peace, must be crushed, and if it be not brought utterly to an end, at least shut out from the friendly intercourse of the nations.

As I write, the hour of reckoning seems near at hand. Through my open window come the cries of newsboys announcing an insistent rumour from Copenhagen that the Kaiser has abdicated. It is probably untrue; but it only anticipates an inevitable event.

I have never doubted from the beginning that this war would end either in the enthronement of the Kaiser as the master of the world's destinies or in his dethronement and perpetual exile. On the first anniversary of the sinking of the *Lusitania*, in an address at a memorial service in Boston, I ventured to say:

The foul crime of the *Lusitania* has not been disavowed, and it will never be fully redressed until the watery grave of the *Lusitania* shall be the lasting grave of the Hohenzollern dynasty.

That event is nearing with amazing rapidity. The bell of the great temple of justice is already sounding to convene the Grand Assize of the nations. The days of the Hohenzollern dynasty are numbered.

The author feels that it is just to himself to say that this book has been completed under trying circumstances. After he had prepared half of the manuscript, it became necessary for him, within a fortnight, to go to England. He would have much preferred to have deferred the final preparation of the manuscript until his return, when he could have given to this book the same deliberate care that he gave to the two books from his pen, *The Evidence in the Case* and *The War and Humanity*, which the public have received with so much favour and to which this book is a sequel. This natural wish of the author not to send his offspring into the world "with all its imperfections on its head" was outweighed by the consideration that if this book, with its discussion of the terms of peace, has any value, its publication now is timely.

The discussion of the peace terms is progressing with rapidity. Germany has already proposed to President Wilson an armistice, and has offered to accept President Wilson's fourteen propositions in his speech of January 11, 1918, as "a basis for negotiations." To this, President Wilson has replied by the natural inquiry as to whether the Imperial Government accepts these fourteen propositions or whether it simply accepts them "as a basis for negotiations" and possible reciprocal concessions. As these preliminary parleys may result in an acceptance by Germany of the fourteen propositions, it is of great importance to determine how far these propositions fully meet the moral necessities of the situation.

To this inquiry, which, because of previous idle diplomatic controversy, had caused acute anxiety among the peoples of the Allied nations, the Imperial German Chancellor replied in substance that Germany did accept all of President Wilson's fourteen propositions and those that had followed in later speeches, and that he did speak for the German people, as well as the Imperial Government, and that Germany would evacuate all occupied territory.

Thereupon President Wilson, obedient to the overwhelming sentiment of the American people,

made an altogether admirable reply, which concluded with this pointed statement:

It is necessary also, in order that there may be no possibility of misunderstanding, that the President should very solemnly call the attention of the Government of Germany to the language and plain intent of one of the terms of peace which the German Government has now accepted. It is contained in the address of the President delivered at Mount Vernon on the Fourth of July last. It is as follows:

"The destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world; or, if it cannot be presently destroyed, at least its reduction to virtual impotency."

The power which has hitherto controlled the German nation is of the sort here described. It is within the choice of the German nation to alter it. The President's words, just quoted, naturally constitute a condition precedent to peace, if peace is to come by the action of the German people themselves. The President feels bound to say that the whole process of peace will, in his judgment, depend upon the definiteness and the satisfactory character of the guarantees which can be given in this fundamental matter. It is indispensable that the governments associated against Germany should know beyond a peradventure with whom they are dealing.

This uncompromising demand for an unconditional surrender has, as this book goes to press,

Foreword

received universal approval. It represents President Wilson's diplomacy at its very best. It is destined to be one of the historic documents of the war. It reflects infinite credit upon its author and upon the American people, for whom he speaks.

It contains a feature of intense dramatic interest. It was before the tomb of Washington, speaking to the representatives of all Allied nations, that President Wilson gave his solemn promise that no peace would be concluded as long as any arbitrary power existed which, separately and secretly and of its own will, could break the peace of the world. While the Imperial Government of Germany was not in name referred to, yet it is obvious that the President could only have had that Government in mind; for it is the only existing Government of any civilized nation whose ruler can precipitate a war without consulting the representatives of his people.

Far reaching as this demand is, if it is confined to the mere deposition of the Hohenzollern monarch, it would not fully answer the necessities of the situation. As long as the Constitution of the German Empire remains what it is, any emperor could repeat the folly of William II. and set fire to civilization. Indeed, it would not be enough to

change even the form of the German Government; for, if a nominal republic were formed, the same power might be lodged in a new ruler of the Hindenburg or Von Tirpitz variety.

To destroy the arbitrary power against which the President has declared an uncompromising war, it is necessary to destroy the Prussian Empire itself and to detach Prussia, which now, as in Mirabeau's time, has but one real industry—war, and thus to reduce this outlaw nation to impotence.

This is the thesis of this book. If it have any significance it lies in this suggestion, which, so far, has not been included in any peace formulas of President Wilson, or indeed in any proposition yet advanced by the official spokesman of any of the Allied nations.

It cannot, however, be doubted that this thought is now profoundly moving the peoples of the Allied nations. It requires only articulate expression to give it compelling power.

The "monster" that remains to be crushed is not merely the Hohenzollern Dynasty, but the Prussian Empire itself.

In the final negotiations, President Wilson, in exercising his constitutional initiative to propose a treaty of peace, will be guided by the public opinion

of America. The fourteen propositions of January 8, 1918, cannot, therefore, be as the laws of the Medes and Persians, which alter not. They are simply a tentative expression by the President as to the principal terms upon which he would negotiate a treaty of peace with Germany for submission to the final organ of the treaty-making power, the Senate of the United States. That body, in whom the Constitution vested the last word with regard to any treaty with any nation, may accept all of President Wilson's terms, or it may accept some and reject others. In any event, it may decline to ratify a treaty embodying these fourteen propositions, unless others be added.

As the Senate represents in a peculiar way the forty-eight sovereign States of the Federal Union, whose ambassadors the Senators are, and as these States in turn will represent the wishes of the peoples thereof, the terms of peace, which the United States will ultimately accept in concluding its war with Germany and Austria will be those of which an enlightened public opinion approves.

Any book, therefore, that may contribute to the formation of a sound public opinion cannot but be of some value, and if it have any value, it must now pass into the current of thought, when millions of Americans are deliberating at every fireside of

America as to the terms of peace which America should accept.

The main thesis, to which this book is devoted, will not be found in President Wilson's fourteen propositions. While many of them do involve a measure of retributive justice, yet as an entirety it cannot be said that if all were adopted full retributive justice would be done; for even if Belgium and Northern France were restored, neither Great Britain, France, Italy, the United States, or any other Ally would receive any indemnity for their infinite sacrifices.

Moreover, neither in President Wilson's fourteen formulas nor in any discussion of the peace terms by any responsible statesman up to the present hour has the plan to which this book is chiefly devoted been suggested as one condition of peace. While much has been said by the statesmen of the Allies as to the dethronement of the Hohenzollern dynasty, yet none has demanded in any formal way that the Prussian Empire, which in 1871 was conceived in iniquity and born in violence, should be disintegrated by the separation of the German States from Prussia and the reconstitution of a new Germany, free from Prussia's baleful influences.

It is with great and natural hesitation that the

author advances a suggested condition of peace, to which little, if any, expression has been given by others whose judgment "in such matters cries in the top of mine."

The author, however, believes so firmly that a durable victory may not be achieved without the disintegration of the Prussian Empire and that the higher demands of retributive justice will not be satisfied unless the reactionary empire of Bismarck is first destroyed, that he feels constrained to publish his thesis for what it is worth; for it must be that many thoughtful men, not only in the countries of the Allies, but even in Germany, are of the same opinion.

The author hopes that he thus gives articulate expression to a deep conviction and a high resolve of many minds.

Whether this be so or not, he ventures to submit this argument for the higher law and its full demands of retributive justice, in the same spirit of service with which he wrote *The Evidence in the Case* and *The War and Humanity*.

As has been said, if the book have any value, it is at the present time. In America, there is too little expression by the man in the street of his views. All should not be left to our overburdened President. He should be given the advantage of

knowing the innermost thoughts and feelings of his fellow citizens. It is their thoughts and feelings that he will wish to carry into full effect in the treaty of peace that he will one day negotiate and submit to the Senate for ratification.

Every American who has given, in the four tragic years now almost ended, any serious consideration to the problems of the war—and especially the problems of peace—should now speak out. Our failure to speak out during the period of neutrality was one of the great contributing causes to that period of the neutrality which America now most regrets. Let us not repeat that error.

History repeats itself. A striking parallel can be drawn, not only between the present world war and the world war of the eighteenth century, but also between the present situation and that which existed in 1815 on the fall of Napoleon. Let us hope that the world will now avoid the fatal error which was then committed.

Changing the word “Europe” to “civilization,” the words that Robert Southey wrote in 1814 can be now profitably repeated:

Who counsels peace at this momentous hour,
When God has given deliverance to the oppressed,
And to the injured power?
Who counsels peace, when Vengeance like a flood
Rolls on, no longer now to be repressed,

When innocent blood
From the four corners of the world cries out
For justice upon the accursed head,
When Freedom hath her holy banners spread
Over all nations now in one just cause
United, when with one sublime accord
Europe throws off the yoke abhorred,
For loyalty and faith and ancient laws
Follow the avenging sword?

J. M. B.

NEW YORK, October 21, 1918.

Acknowledgment is here made of the courtesy of Harper & Bros. for their willingness to allow the author to embody in Chapter III. a portion of an article which he contributed to the September, 1917, issue of *Harper's Monthly*.

CONTENTS

	PAGE
FOREWORD	v

CHAPTER I

THE HIGHER LAW

The reckoning at hand—By what standard to be measured?
—The higher law, its origin, existence, and recognition
—Germany's conduct a challenge to this law and a denial of its existence—The workings of this law seen in the records of history

CHAPTER II

THE HIGHER LAW AND THE WORLD WAR

Causes of present world war—Seizure of Silesia by Frederick the Great—The partitions of Poland—Condonation of Prussia's successive violations of the higher law—The Turkish atrocities—Russia's defense of the Slavs—The Congress of Berlin—Austria and Germany emboldened by constant condonation of their offenses—Intervention by leading nations in 1914 might have prevented war—Collective responsibility of nations for peace of world—Allies' wanng demand for "punitive" justice—The higher law demands the destruction of Prussian Empire—Industrial Germany's dependence upon allied countries for raw materials—Possibility of disintegration of Prussian Empire—Imperial Government will vanish with power that created it—Best of Germany not Prussian—Destruction of Prus-

	PAGE
sian Empire by separation of Prussia from the German States advocated	28

CHAPTER III

THE RECONSTRUCTION OF GERMANY

Is a nobler Germany a possibility?—Distinction between Prussia and Germany and Imperial Government and German people—Peace and war parties in Germany—Dr. Francke's article—His mistaken reasoning—Socialist opposition in Germany to the war—Possibility of an economic boycott against Germany after war—Shall the Kaiser abdicate?—The spirit of 1848 not dead in Germany—Possibilities of a revolution	53
--	----

CHAPTER IV

THE LIBERATION OF THE GERMAN PEOPLE

German people's defiance of Kaiserism as shown by growth of Socialist Party—Effectiveness of economic pressure to bring about Germany's democratization—Employment of economic boycott by Allies to separate Prussia and the German States justifiable—No close racial affiliations between Prussia and the German States—Liberal spirit in the German universities a century ago—Its suppression by Metternich—The National Assembly at Frankfort, May, 1848—Failure of the Revolution of 1848—Substitution in Germany, under the Hohenzollerns, of desire for military conquest for democratic aspirations—Persistent growth of Socialistic vote shows democratic spirit not dead in Germany—Allies' opportunity to separate Prussia from German States should not be wasted—Procedure at peace conference to achieve this end—Favourable position of United States to effect reconstitution of Germany—President Wilson's distinction between German Government and German people—Elimination of Kaiser not	
--	--

Contents

xxix

	PAGE
sufficient; Prussia itself must go—United States in position to bring this about—No opposition to this from France or England likely	88

CHAPTER V

THE WORLD DRAMA

Possible exceptions to author's argument—Bismarck's shameless policy of statecraft—The theft of Schleswig-Holstein—Every nation has two personalities, that of its living citizenship and that of its institutional history—This illustrated by sketch of character and outline of these two personalities of the United States—These two personalities of the nations will be present at peace conference in spirit—An understanding of the war impossible without an understanding of the psychology of historic entities participating in it—This best illustrated by a literary analogy—Shakespeare's <i>Hamlet</i> best visualizes personalities of the nations at war—The great impression of this play upon human thought—Argument of the play—An interesting literary curiosity discussed—Characters assigned to the various nations and reasons therefor	120
---	-----

CHAPTER VI

THE HAMLET OF NATIONS

United States the Hamlet of the literary analogy—America now the Hamlet of the last act—Theories of causes of Hamlet's temporizing—Changed spirit of America since entering the war—Its attitude during period of neutrality—Partial justification for this attitude found in assumed isolation of America—America's awakening in March, 1918—A glorious chapter in American history—What part will America play at the peace table?	162
--	-----

Contents

CHAPTER VII

AMERICA AS PEACEMAKER

	<small>PAGE</small>
The Allies' agreement at beginning of war against a separate peace—No peace terms then formulated—Discussion of peace terms started by President Wilson—The "Fourteen Points"—Concurrence of Senate necessary to any treaty of peace—The Senate's power in foreign relations—Prerogative of Senate in this respect reduced to a minimum under present Administration—President's failure to consult members of Senate Committee on Foreign Affairs during present crisis—Consideration by American people of the "Fourteen Points" desirable	175

CHAPTER VIII

THE TERMS OF PEACE

Discussion of the "Fourteen Points" <i>serialim</i> —America's task the reconstruction of a shattered civilization—This can be best done by co-operation with our Allies—The President's great opportunity in insisting upon expulsion of Prussia from the Germanic Confederation and the reconstitution of a nobler Germany—The President's heavy burdens—He is not infallible—His expressed desire to interpret opinions and wishes of his fellow-citizens—To do this, necessary that he know those opinions and wishes—Not disloyal to express an honest dissent to Executive act or proposal—Freedom of expression of opinion eminently proper in order that President and Senate shall have benefit of enlightened public opinion—That the author's purpose	192
--	-----

The Reckoning

The Reckoning

Discite justiciam, moniti non temnere divos.

CHAPTER I

THE HIGHER LAW

THE hour of the reckoning is at hand, an hour which the author confidently predicted in November, 1914, when in ending the Foreword to his *Evidence in the Case*, he said:

One day the German people will know the full truth and then there will be a dreadful reckoning for those who have plunged the nation into an unfathomable gulf of suffering.

Though the mills of God grind slowly
 Yet they grind exceeding small,
Though with patience He stands waiting
 With exactness grinds He all.

Or to put this ancient Greek proverb in its German form:

"*Gottes Mühle geht langsam aber die mahlt fein.*"

The Reckoning

What will be the nature of the reckoning?

By what standard will it be measured?

I reply by that of the "higher law," which rises above and dominates the expedients of statesmen.

Does the higher law exist except as a metaphysical abstraction of visionary idealists?

In addressing myself to this preliminary inquiry, I must first define what I mean by a "higher law." If it have any existence, it must mean something more than the sense of moral obligation which each normal human soul as an individual recognizes to the Supreme Being under any form of religion. A law, in the sense in which jurists use the term, must mean a clearly recognizable regulation of conduct which imposes upon men collectively definite obligations and to a greater or lesser extent compels compliance therewith. It seems to me, however, a narrow view to hold that nothing can be a law unless it be promulgated by the authority of a political state and cognizable in its courts of justice. In a narrower sense this may be so, but the laws which regulate human conduct are not restricted to those of the political state.

To the eye of the imagination, as Proudhon saw as early as 1845, human society, as developed by civilization, is a "living being, endowed with

an intelligence and activity of its own, and as such an organic unit."

Long before Proudhon, a greater jurist and philosopher, Lord Bacon, wrote that in human society there was a reign of law beyond that effected by union of sovereignty or pacts of states. He added, "there were other bands of society and implicit confederations," and if my readers will start with the conception of human society as an organic unit more comprehensive than the political state, which is only one of its organs and subdivisions, then it will be clear that outside of the circle of political laws and to some extent overlapping the domain of positive state-made law, there is a large body of human regulations, having their origin in the common conscience of mankind and possibly affecting human conduct even more vitally than the regulations of the political state.

The school of political jurists, of which Austin, Hobbes, and Bentham are the leading exponents have disputed the application of the word "law" to this great body of regulations, to which Austin gave the term "positive morality" and which German jurists designate as *Sittlichkeit* and *Moralität*. I have no disposition to enter into this controversy and to make another fruitless attempt to distinguish between various shades

of meaning suggested by the word "law." In this time of "blood and iron," metaphysical subtleties and verbal hair-splittings seem sadly out of place.

The subject is timely only because the maintenance of such higher law is in the last analysis the supreme issue of this titanic war and its vindication should, and probably will, have a potent influence upon the great problems of a just and durable peace.

I may justify my application of the word "law" by a single illustration.

When the *Titanic* went down, all its passengers became immediately and instinctively conscious of a regulation that in saving lives women and children should have the first preference. Who made this law? No legislature ever enacted it and no sovereign state ever gave it sanction. It was not the result of any contractual agreement, for probably few of the ill-fated passengers ever considered the question until the terrible exigency suddenly confronted them. It did not arise from utilitarian considerations, for it is probable that the lives of the male passengers were at least as valuable to human society as those of the women and children. The law was something more than a sense of individual morality. It had compelling

power, as any one, who might have attempted to disobey it, would have speedily found. All were conscious of its obligation and all obeyed it. Its instantaneous recognition and the loyal acceptance of its results, which meant death to many of the passengers, shows that it was due to a great primal instinct which, notwithstanding the biologic law of natural selection and the struggle for existence, requires the strong to have compassion on the weak.

What is the origin of this body of law, to which in a greater or less extent all men are born?

Hegel, in his ponderous Philosophy of History, found in it the objective manifestation of infinite reason, the reason of Him, the First Cause, who "made of one blood all nations of men to dwell on the face of the Earth and determined the times appointed (the epochs of history) and the bounds of their habitation, if haply they might feel after and find Him."

Assuming that the word "law" can be properly applied to such recognized regulations of human conduct, it remains to consider in what respect its characterization as the "higher" law can be justified. And here again the illustration of the *Titanic* may help our reasoning, for the rule of conduct which was then put into effect was re-

garded as a fundamental decency of human life of greater potency than the powerful instinct of self-preservation.

Such laws are higher, in the sense that they are primal and fundamental laws. They constitute the great unwritten constitution of human society. They are antecedent to all laws of the state and indeed the latter are but the imperfect and partial expression of the higher law of morality. As the planetary worlds are evolved out of the nebulae, so the laws of the state, especially such as are based upon moral rather than utilitarian considerations, are evolved out of these fundamental decencies of human conduct, and as I will presently attempt to show, the systems of jurisprudence with which we are most familiar, the Latin and English, have always taken into account in the development of legal institutions the primary claims of the higher law.

Let us next consider the evidences of the higher law, as they have existed in human thought and human institutions, time out of mind.

If there be one thing, upon which the wise and just of all ages and of all nations have been agreed, it is that there is, distinguished from the law of political states, a higher law which in a very potent way affects and controls the destinies of men.

We find abundant evidences of this in the great mythologies of the ancient world, which represent in the truest form the moral philosophy of the primitive races.

The mythology of Greece saw the influence of the gods in all phenomena, physical, social, or moral. Any uniform sequence was regarded by them as due to the law of the gods. Among the deities in the Homeric times was Themis, the goddess of justice. Her decrees, "themistes," were the result of a primal law, to which not only men but even gods were compelled to conform.

The sturdy and virile mythology of the Norsemen represented the same truth and in the great saga of the Nibelungen, it is to be noted that the theft of the gold brought a curse to all into whose hands it came, even though the recipient of stolen goods was the supreme god, Wotan; and it was not until the ravished gold, in the form of the Ring, was restored to the Rhine maidens, that the curse was lifted from gods and men alike. Thus the great moral truth of retributive justice was taught and it seems an infinite pity that the German people, who glorified the saga of the Ring with Wagner's immortal music, could not have found a better inspiration in its moral philosophy than in Siegfried's Sword.

Passing from the teachings of mythology, as evidencing the moral conscience of prehistoric ages, and turning to the sacred writings, which still dominate the conscience of mankind, we shall see an even more striking recognition of the existence of a primal law which exists independently of the regulations of the political state and is paramount thereto. No nobler recognition of this higher law can be instanced than the sacred writings which constitute the supreme contribution of the Jewish race to the world. While in the Mosaic writings God was only a tribal God,—one of many,—yet later on, and possibly born of the travail of the Assyrian and Chaldean invasions, the noble conception dawned upon that race of a single God who ruled all mankind with infinite justice and patience and compassion. Whether we turn to the Lamentations of Jeremiah or the Psalms of David, or the fiery invectives of Isaiah and the other Prophets, we find again and again the assertion, in language of infinite beauty and power, of a supreme lawgiver and a supreme law to which all men and all political states must conform their conduct.

The supreme recognition of this higher law came later from the Great Teacher, whose beatitudes remain its most perfect expression. The golden

thread, which runs throughout the teachings of Christ, was the superiority of the higher law to the laws of the Jewish state. His constant protest was against that too-rigid adherence to state-made law, which sacrificed the spirit to the letter and failed to recognize the primal truths of the higher law. Rarely did He speak in terms of invective and His bitterest reproaches were addressed to those too rigid lawyers of an ecclesiastical state, who regarded state-made laws as ends in themselves, and not as means to an end. He was careful to emphasize that His kingdom was not of this world and that His system of morals was based upon a higher sanction than that of the state. The prayer, "Thy Kingdom come, Thy will be done," is the recognition of this higher law. While the great Teacher made no laws and founded no kingdom, yet His appeal to the higher law was of such potent influence in shaping the destinies of man, that, as Richter has said: "With His pierced hands He lifted the gates of the centuries off their hinges and turned the stream of the ages into a new channel."

In all history there is no greater manifestation of the higher law than the fact that the Galilean Teacher has more powerfully influenced the destinies of men than the universal Roman Empire,

the greatest governmental embodiment of law that the world has ever known.

If we turn from the sacred writings of the Jewish race to those of the most intellectual race in recorded history, the Greeks, we shall see the higher law vindicated with incomparable power in the moral philosophy of the three great dramatists, Æschylus, Sophocles, and Euripides. These were the Greek prophets. The constant theme of their tragedies is that all men and all political institutions are subordinate to the operations of the higher law, whose retributive justice was called Nemesis. The terrible character of this retributive justice is illustrated by Sophocles in his great Theban Trilogy, for he teaches us that even an unintentional violation of the higher law by an innocent man must be atoned for. The argument reaches its greatest height in the noble play of Antigone, where the conflict between the law of the state and the higher law is emphasized. The brother of Antigone had committed a crime against the state of Thebes, and by its laws his body was denied the final dignity of burial. In defiance of the laws, Antigone buries her brother, in obedience to the call of affection and the dictates of humanity. The king, who incarnated the power of the state, demanded of her whether she had

transgressed its sovereign laws, and to that Antigone nobly replied:

Yes, for that law was not from Zeus, nor did Justice, dweller with the gods below, establish it among men; nor deemed I that thy decree—mere mortal that thou art—could override those unwritten and unfailing mandates, which are not of today or yesterday, but ever live and no one knows their birthtide.

This was the Greek conception that there existed above all state-made laws a higher law of retributive justice, which was eternal and immutable and from whose workings neither God nor man could escape.

Five centuries later, the greatest of the Roman jurists, orators, and essayists, Cicero, spoke in the same terms of a higher law:

Which was never written and which we are never taught, which we never learn by reading, but which was drawn by nature herself.

If we turn from the classic Tiber to the lovely Avon, we find again that the supreme genius of all poets and dramatists accepted in his great tragedies the same theme. Nowhere does he illustrate it more beautifully than in the *Merchant of Venice*, for in the trial scene he takes great

The Reckoning

pains to emphasize that, as a matter of strict law, Shylock was right in his contention. Venice was a commercial state and its material welfare depended upon the sanctity of contracts and the stability of precedents. Therefore Portia, having sustained the legal justice of Shylock's contention, turns to him and says:

Then *must* the Jew be merciful.

To emphasize the significance of the word, "must," Shylock repeats it and thus challenges the existence of the higher law:

Upon what compulsion *must* I? tell me that.

Portia then proceeds to vindicate the compelling power of the law of mercy. She does not suggest that mercy is a matter of grace, but that its mandate is greater than that of a Venetian Doge or the Council of Ten. The usurper has his legal right to the penalty, but the higher law compels him to surrender that right. Portia thus nobly proclaims the higher law:

'Tis mightiest in the mightiest; it becomes
The throned monarch better than his crown.
His sceptre shows the force of temporal power,
The attribute to awe and majesty,

Wherein doth sit the dread and fear of kings;
But mercy is above this sceptred sway,
It is enthroned in the hearts of kings,
It is an attribute to God himself.

With his incomparable insight, Shakespeare put this vindication of the higher law into the mouth of a woman, one of the most beautiful of his heroines, for in the permanent differentiation in the social office of the sexes, which no law or constitutional amendment can ever wholly override, the woman is the peculiar advocate and high-priestess of the higher law. In her care peculiarly rest the ideal and the abstract. To man, as the constructive agent of society, is chiefly given the concrete and practical. The futile attempts to obliterate this divinely ordained difference in the social office will, I fear, only tend to lessen the nobler usefulness of the woman, without increasing that of man. But to discuss this would be to enter into a controversial theme foreign to my subject, into which even angels might fear to tread, although an ever-increasing number do make the rash excursion.

If we turn from the doctrines of these great teachers of all nations and ages to the legal institutions of mankind, we shall find the most striking evidence of the higher law. While ana-

lytical jurists of the Austin school may deny its existence or its relation to the laws of the state, the fact remains that as the rocks show unmistakable evidences of the glacial movements, so our state-made institutions and laws bear equally striking evidence of those mighty moral movements which, like the glaciers at the beginning of the world, have swept over its surface and determined the form and shape of continents and oceans.

In states which, like the Jewish state, were a combination of Church and State, the influence is naturally more evident; but if we take the greatest of all secular states in history and examine its body of law, the noblest that man has ever developed, we shall find the clearest recognition of the higher law as an organ of society, of which courts can and should take cognizance.

Thus arose the distinction between the *jus civile*, or the law of the state, and the *jus naturale*, or the law of nature. The Roman jurists recognized that while the local law of the state was of value within its own scope, yet there was on occasion the necessity of applying a system of law which it conceived to be of higher obligation and was called "natural" because it was common to all mankind and was regarded as arising out of a state of nature that antedated civil government.

Thus in the great institutional treatise which bears the name of Justinian, it was written:

All nations which are ruled by laws and customs, are governed partly by their own particular laws and partly by those laws which are common to all mankind. The law which a people enacts is called the civil law of that people, but that which natural reason points for all mankind is called the law of nations, because all nations use it.

This was the law of nations, but it must not be confused with international law, for the latter, so far as it arises from the agreement of nations and regulates their mutual intercourse, while it is one manifestation of the higher law, is only a part of it. To the Roman jurists, the law of nations represented something more than a code of nations. They conceived of human society as a single unit and they assumed the existence of a universal law, which was both antecedent and paramount to the law of Rome. The jurists of the empire were powerfully influenced by Seneca and his school, and out of it grew the great conception of *Aequitas*, or equity, which in its last analysis is the most striking manifestation of the higher law, either in the civil or in our own system of jurisprudence.

The very theory of equity was that the necessarily rigid laws of the state would at times work injustice and that in such cases certain primal truths must be invoked to moderate the rigour of the law. These primal truths were never codified but were summed up in the word, "equity" or justice.

The Roman conception of equity profoundly influenced the development of law in England and the United States. Our system of equity jurisprudence began in the reign of Edward III. and assumed that there was in the king a residue of power which enabled him to overrule the usages of the common law, by resort to certain primal principles and fundamental decencies, which were summed up in the word "equity." The great maxims of equity are but expressions of this higher law. As in the famous case cited from the *Merchant of Venice*, the creditor was entitled to the penalty of his bond, but equity would forbid this when the penalty was unconscionable.

"He that asks equity must do equity." What is this but the command of the great Teacher that we must love our neighbour as ourselves?

In the time of Edward III., the Lord Chancellor would permit nothing, the laws of the state to

the contrary notwithstanding; that was inconsistent with "*honestas*" or honesty. Thus the idea of an abstract justice, something higher than the letter of the law, became lodged in our system of jurisprudence and thus we can fairly claim that both our system of equity jurisprudence, with its invariable emphasis upon abstract justice, and the equity system of the civil law, from which we in part derive it, form the clearest recognition by legal systems of a higher law.

Another recognition of this higher law could be given in the relation of the Roman Church to the political states of Europe, up to the time of the Reformation and in some instances since then. Naturally, the Church asserted itself as the greatest organ of the higher law, as the German Emperor recognized when he stood barefooted in the snow-covered courtyard at Canossa and awaited an audience with Hildebrand.

That fairest daughter of the mediæval church, the institution of chivalry, which so profoundly affected the destinies of mankind, owed its direct inspiration to the higher law. This wonderful institution was not only international, it was supernational. It paid little heed to the law of the state. Its object was to vindicate certain fundamental decencies in life and in its best estate it sought to

meet the requirements of the higher law, as voiced by the Prophet Micah.

To do justly, and to love mercy, and to walk humbly with thy God.

The allegiance of the young knight, when at the altar of God he knelt and received his sword and spurs, was to a higher law than that for which his or any political state stood. The great cathedrals of Europe, the crowning achievements of Man the Builder, were erected by the master builders of the Middle Ages concurrently with the development of chivalry. The noble towers of Rheims, the marble lace work of Milan, the glorious arches of Westminster Abbey, all point to the azure realm of a higher law, and thus the wanton destruction of Rheims Cathedral by a foe who laughed the higher law to scorn, assumes a greater significance.

In the jurisprudence of France, there was, until the time of the Revolution, the same manifestation of the higher law. To American jurists, who regard the principle of *Marbury vs. Madison*¹ as a novel contribution to the science of jurisprudence, it may be well to remember that for at least two centuries before, no law of France acquired validity until it was "registered" by the judiciary, and if it appeared to the French courts that the

¹ I.e., when an Act of Congress conflicts with the United States Constitution, the latter must govern.

proposed law was against common reason and justice, the courts would refuse to register it. If the lawmaking power then refused to withdraw the proposed law, the king summoned a *lit de justice* in which he heard and considered the objections of the judges, and if he refused to yield, the judges would often refuse to enforce the law; and if they in turn refused to register the law, it at times happened that the king, to compel registration, would send the judges to the Bastille by a *lettre de cachet*. Generally, however, the courts prevailed.¹

¹ It is interesting to Americans to remember that the same plan was embodied in the first draft of the Constitution of the United States, which proposed that the Executive and the National Judiciary should constitute a "Council of Revision" with the power of vetoing all legislation, both in the Federal and State legislatures. It is probable that in this suggestion, Mr. Randolph, the author of the first draft of the Constitution, followed the French plan, but it was wisely rejected by the Constitutional Convention, and a qualified veto of the President was substituted to afford some check to unjust legislation. This was wise, for the recognition of a higher law should not carry with it any confusion between the Executive and Judicial branches of the Government, or between the functions of a political state and those of organized society, which operate outside the sphere of political government and could not be confused therewith without resulting in moral anarchy. Human society has its limitations as well as the political state, and the scope of each is determined by the good sense and common conscience of mankind. Indeed, the true genius of government is the nice determination of those regulations of human conduct which should be left to the political state and those which should be left to the potent influence of society in general.

Another striking recognition of the higher law in our legal institutions is to be found in constitutional limitations, whether express or implied. The idea of some restraint upon the otherwise sovereign power of the political state, to ensure its conformity to certain fundamental verities, is almost as old as modern civilization and has its origin in the axiom of the higher law, that any state-made law, which is grossly repugnant to natural justice, violates the unwritten social contract.

Locke, Montesquieu, and Rousseau based their political philosophy upon an assumed state of nature, and an implied contract, under which individuals surrendered their natural freedom to organized government only with a reservation of certain inalienable rights. Those rights constitute the great unwritten constitution of human society. This school of philosophy profoundly influenced Thomas Jefferson when he drafted the Declaration of Independence, for not only does it assert in its noble preamble these inalienable and axiomatic rights, which arise out of the higher law, but he expressly asserts the existence of that law, when he says that "a decent respect to the opinions of mankind" requires a nation to justify its acts by the fundamental and universal prin-

ciples of morality. The American magna charta assumed as axiomatic that each individual had an "inalienable" right to life, liberty, and the pursuit of happiness.

This idea was much older than either Locke or Rousseau or Jefferson. It is older than the English law. Traces of it can be found in the Roman law. Every system of jurisprudence which is derived in part or in whole from the civil law shows some evidences of this implied restriction upon arbitrary power, whether of kings or majorities.

The doctrine of the omnipotence of Parliament, as we understand it today, was not an accepted principle of English constitutional law when Jefferson wrote the Declaration of Independence. On the contrary, the great masters of common law, including the four Lord Chief Justices, Coke, Hobart, Holt, and Popham, all supported the doctrine of the common law, as laid down by Lord Coke,¹ that the judiciary had the power to nullify a law, if it were "against common right and reason."

The Pilgrims, who signed the famous compact in the cabin of the *Mayflower*, did not covenant

¹ Bonham's case, 8 Coke Reports, 114.

to obey *all* laws that the majority might dictate, but only such as were "just and equal."

When the founders of the Republic framed the Constitution of the United States, they expressly wrote the higher law into that Constitution in order that the restraints upon arbitrary power, which in England were real, although unwritten, should in the new Republic be evidenced by a written contract.

These great restraints upon legislation, both of Federal and State governments, are but recognitions of a higher law. Thus the fifth and fourteenth amendments to the Constitution of the United States, with their prohibition of any legislation which takes away life, liberty, and property "without due process of law," simply repeat the prohibition of the Great Charter, as to the supremacy of "the law of the land" over arbitrary power. The Barons at Runnymede did not attempt to define that law. What they had in mind were certain primal verities of personal liberty, upon which their freedom depended, and similarly the framers of the Constitution never pretended to define what they meant by the synonymous phrase of "due process of law."

Daniel Webster, in the famous Dartmouth College case, gave the classic definition of the

"law of the land," the phrase from which "due process of law" was derived, as follows:

By the law of the land is most clearly intended the general law; a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society.

Among our formal legal institutions, the greatest concrete manifestation of the higher law is that which we call international law. This international code, which to some extent impairs the sovereign power of nations and which, until this war, had brought them measurably nearer to the "parliament of man and the federation of the world," is a striking manifestation of an authority to which even sovereign nations must yield. It is to be noted moreover that a greater part of this law has consideration for those fundamental decencies of human life which cause the strong to respect the weak and, therefore, seeks to save women and children and all non-combatants from the horrors of war. Under this law, even the vanquished has his rights as against the victor, and the mighty human spirit of justice and com-

passion, which breathed through the two Hague conventions, marked the high-water mark of human progress, until Germany ruthlessly destroyed the dikes and flooded the world with a torrent of primitive barbarity.

While the higher law is something more than international law, yet the latter is its most concrete manifestation, for it points the way to that "far-off divine event, toward which the whole creation moves," when the rules of justice, as formulated by the common conscience of mankind, shall have complete sway throughout the world.

It is Germany's greatest crime that for the time being she has impaired and nullified this divine ideal, which in this time of blood and iron constitutes the best hope of the human race. Her consistent conduct, from the beginning of the world war, has been not only a ruthless challenge to the paramount authority of the higher law, but a flat denial of its very existence.

This leads me to a graver inquiry. Are all these teachings of the spiritual leaders of mankind mere rhapsodies of words? Were the wise and good of all ages cheating themselves with empty visions, or, treading the mountain ranges of human observation, did they see the dawn of the per-

fect day more clearly than we who dwell in the darkened valleys of this working-day world?

To this, the reply is the experience of history. The greatest evidence of the higher law is to be found in its records. Through the long drama which has been enacted on the boards of this "wide and universal theatre of man," are as clearly seen the workings of retributive justice as in the tragedies of Sophocles or Shakespeare.

Let me give one illustration from the history of our own time.

In the year 1850, a very notable debate took place in the Senate of the United States. The three greatest leaders of thought of the middle period of the Republic,—Clay, Webster, and Calhoun,—all of whom were then approaching the end of their careers, participated in it. The subject of the debate was the geographical restriction of slavery and the extension of the Fugitive Slave law. That the Constitution recognized slavery could not be gainsaid, and that its maintenance as an institution within certain geographical restrictions had been solemnly agreed to by all political divisions of the United States was equally undeniable. No great party and few responsible leaders of public thought contended that slavery could or should be abolished. And yet all parties and

all public men were conscious of a potent and mysterious force, which was apart from and above ordinary political currents, and which was driving them to an inevitable end, which they did not dare to contemplate.

To maintain the *status quo*, Clay proposed his great Compromise of 1850, and supported it with a powerful speech. Webster favoured a compromise in his historic speech of March 7, 1850, by which, in attempting to save the Union, he brought his great career to a pathetic end. The maintenance of slavery was further supported by that most acute and profound constitutional lawyer, Calhoun. All of these intellectual giants of their period were patriotic in motive. They simply failed to take into account a new force.

In the course of the great debate, one of the greatest that ever took place on the floor of the Senate, the young Senator from New York, William H. Seward, said:

The Constitution devotes the national domain to union, to justice, to defense, to welfare and to liberty; *but there is a higher law than the Constitution.*

The italicized expression was not original with Seward. He had borrowed it almost *verbatim*

from an address which Channing had made eight years before, on "The Duty of the Free States."

The suggestion of a law higher than the Constitution quite naturally convulsed the nation and yet, within thirteen years, Seward had countersigned the Emancipation Proclamation, and a year later Lincoln, who, at the beginning of his administration, had disclaimed any intention to interfere with the institution of slavery, proclaimed in his second inaugural his solemn belief that the fratricidal war between North and South was a great fatality and an inexorable working of retributive justice. Thus Lincoln spoke, proclaiming the higher law, as might a prophet of ancient times:

Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondsmen's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said: "The judgments of the Lord are true and righteous altogether."

CHAPTER II

THE HIGHER LAW AND THE WORLD WAR

THE inescapable judgment of the Nemesis of history is even more strikingly manifested in the present titanic war, the greatest drama ever enacted on the stage of the world. The first act of that tragic drama began in 1740, and the curtain is now rising on the last act. When it finally falls, it will be seen that as the argument of a play weaves together the seemingly scattered incidents of the classic drama, so the higher law has again overridden the purposes and plans of chancellors and prime ministers, of presidents, czars, kings, and emperors, and made of them mere pawns upon the chessboard of history.

The roots of this war run much deeper than the tragic deed of Sarajevo. The great root of this upas tree was the indefensible seizure of Silesia by Frederick the Great, in 1740. Had there been no condoned rape of Silesia, there would have been no rape of Belgium.

The Higher Law and World War 29

In that year, a robber king had ascended the throne of a robber state, who, as Macaulay said, was "without fear, without faith, and without mercy." Like a thief in the night and in violation of his solemn promise, he invaded Silesia and stole it from Austria.

"My soldiers were ready, my purse was full," said Frederick, with regard to this wanton robbery, and he added that "Silesia was that part (of Maria Theresa's inheritance) which was most useful to the House of Brandenburg," and therefore he took it on the principle, as he remarked: "Take what you can, for you are never wrong, unless you are obliged to give back"; thus echoing the black philosophy of Rob Roy: "Let him take that has the power, and let him keep who can." This shameless philosophy came from one who, in his youth had written a treatise against Machiavelli. It is certain that no ruler in modern history ever carried out with such shameless consistency the principles of Machiavelli, as set forth in his treatise, "The Prince." What could be more Machiavellian than Frederick's remark: "If there is anything to be gained by being honest, honest we will be; and, if it is necessary to deceive, let us be scoundrels."

He even had the hardihood to confess that,

apart from his greed for territory, his incentive in robbing Austria of Silesia was the desire to gain notoriety, and his lineal descendant, the royal *poseur* who now occupies the throne, has shown the same histrionic quality and with even more fatal consequences.

Indeed, the House of Hohenzollern has infected a great people. It is a mistake to believe that the German people were corrupted by a bespectacled professor like Treitschke or a degenerate like Nietzsche. The chief cause for Germany's moral suicide is to be found in the worship of Frederick the Great and his religion of brute force. In Germany, the Church and the school have alike been prostituted to the service of the State in advancing this cult of power through fraud and violence, and the glorification of the House of Hohenzollern, whose supreme deity is Frederick the Base, is the ritual of German patriotism.

The rape of Silesia was the most naked and wanton challenge to the higher law in modern times, and the leading European nations sprang to arms.

Had the Hohenzollern then been defeated and deposed, the present world war might never have been. This was the great purpose of the Allies.

The Higher Law and World War 31

They intended not only to depose the Hohenzollerns but to reduce Prussia to a petty principality. The work then left undone has brought on this atrocious war, and let us pray that this time the Allies will not falter until they have not only cornered but caged for all time the Hohenzollern beast.

Unfortunately, at the very moment of the Allies' triumph, Russia in 1762 not only crumbled but deserted to the enemy. Weary with the terrible slaughter, the Allies compromised the great ideal of justice, made peace with Frederick the Base, and confirmed his wicked seizure of Silesia.

Here were two ideals, each false, but differing greatly in degree.

One was that of Frederick the Base, that the State was above morality and that the only limit to its aggressions was that of physical power.

The other was the false pacifism that taught that it were better to condone a wrong, even though the higher law were sacrificed, than to inflict upon mankind the scourge of war.

The ideal of Germany was "power at any price," that of the Allies, "peace at any price."

These two principles have ever since profoundly impressed the whole course of European politics, until the inexorable workings of the higher law, seemingly moving with a leaden heel, but striking

with an iron hand, wrought in our time the terrible expiation of the most destructive war that history has recorded.

Frederick the Great, encouraged by the condonation of the Silesian crime, made common cause with Russia and Austria, in the three partitions of Poland, at the end of which that noble kingdom was destroyed. At the third partition, he acted not as a rapacious eagle fighting for its quarry, but as a vulture, for when Russia had first crushed Poland, Prussia appeared to claim its portion of a prostrate victim.

Then came the French Revolution and the Napoleonic wars, in which the perverted ideal of physical power was invoked by an even greater master of the art of war than Frederick the Great. Napoleon wantonly invaded nation after nation, and again and again, to secure peace at any price, his ruthless violations of the higher law were condoned, but with each condonation his appetite for universal dominion was only whetted. Finally, the greatest of the Cæsars fell from exhaustion and died at St. Helena, "the mighty somnambulist of a shattered dream of universal empire."

For a few decades, civilization had a breathing spell and then the Hohenzollern dynasty, which had all the vices of the Napoleonic régime and none

The Higher Law and World War 33

of its constructive virtues, again entered upon its career of rapine, and again the civilized world, in the supposed interests of peace, condoned its shameless felonies.

It violently wrested Schleswig-Holstein from Denmark, and no nation lifted a hand to protect that helpless power. Austria was next assailed and crushed into a servile impotence. Then a quarrel was deliberately picked with France.

Unquestionably Prussia's attitude in the beginning of that quarrel was free from just censure. France was unreasonable in the final demand which Benedetti made upon the Prussian King, but peace would have been preserved if Bismarck and Moltke had not picked a quarrel by garbling the Ems dispatch. After France had been crushed, Alsace and Lorraine were arrogantly demanded by the ruthless conqueror.

France then appealed to the leading nations of Europe. M. Thiers vainly besought the governments of France's present Allies to prevent this great wrong. All turned a deaf ear. They assumed that it was not their quarrel. France could be left to perish.

Our country, still pursuing a policy of isolation which, though admirably adapted to its period of infancy, was unworthy of our maturity, gave

no heed to our ancient Ally, without whose generous aid the United States might never have become an independent nation.

The world deserted France in her hour of extremity and the world is now paying the penalty. Had the civilized states of Europe and America, in 1871, compelled Prussia to respect the higher law in her dealings with France, this world war might never have been.

A grave and century-old problem had now again arisen with the development of commerce in south-eastern Europe. Acting upon the spirit of false pacifism, the European nations preferred to tolerate Turkish cruelties to Christians in Armenia and the Balkan States rather than vindicate justice by the sword. Turkey had consistently tortured and almost destroyed the Christian nations of south-eastern Europe. The cries of the butchered Armenians and tortured Serbs in the Balkan Peninsula called aloud for vengeance, but to these Europe in the supposed interests of peace turned a deaf ear.

In 1877, Russia, after the Bulgarian massacres of 1876, took up the fallen standard of humanity and in defence of the Slav victims of Turkish misrule advanced to the gates of Constantinople.

Had the European nations at that time had as much concern for justice and humanity as they

The Higher Law and World War 35

had for the material ease of a false peace, this world war would probably have been prevented. Unfortunately, the leading European nations chiefly concerned themselves with protecting the Turk against just punishment, lest some rival destroy the balance of power by seizing Constantinople.

Thus England, contrary to the counsel of many of its noblest statesmen, such as Gladstone, Earl Derby, and John Bright, intervened to save Turkey, and Disraeli took his "thirty pieces of silver" by guaranteeing the perpetual integrity of Turkish territory in Europe in return for the cession of Cyprus.

To preserve a false peace, the Congress of Berlin was called in 1878, and at the head of the council table the most sinister personality of the nineteenth century, Prince Bismarck, sat in the rôle of an "honest broker," to use his own expression.

It was "diamond cut diamond." These distinguished diplomats and statesmen vainly thought that they could preserve the peace of Europe by a sordid exchange of territory, even though the adjustment stifled the cries of the dying Christian states in south-eastern Europe.

Disraeli returned to London in triumph and was acclaimed for bringing back "peace with

honour," but we now know that he only brought the seeds of a terrible war.

If England could have foreseen the conditions forty years later and beheld the very flower of British youth perish at Gallipoli, might not the thoughtless acclaim which welcomed the return of Disraeli have died on her lips?

It was solemnly covenanted in that treaty of 1878 that the *status quo* as then established should not be altered, except with the consent of all the participating nations, and yet in 1908 Austria boldly annexed Bosnia and Herzegovina, and when the other European nations attempted to intervene, the German Kaiser ostentatiously ranged himself by the side of his imperial cousin, as a "knight in shining armour."

The counsels of cowardice again prevailed. A false pacifism induced the European nations to accept this denial of the good faith of treaties and again their statesmen in a spirit of smug complacency felt that they had preserved the peace of the world by sacrificing justice. That was their mistake. It was Germany's fatal error in 1914. There are some things which succeed better than success. Truth and justice are numbered among them.

It was this constant condonation of offences against the higher law in the supposed interests

The Higher Law and World War 37

of peace, which emboldened Germany and Austria to plot their treacherous and cowardly coup of 1914.

The "wheel had come full circle." The mills of the gods might grind slowly, but the time had come when they would grind "exceeding small." Russia and France sprang to arms and when the Hohenzollern crossed the frontier of Belgium, Great Britain abandoned its policy of so-called "splendid isolation" by staking the existence of its empire to defend Belgium.

Had the other leading nations of the world followed their course, the war would either never have begun, or might have abruptly ended. It is possible that one strong and insistent word from the government of the United States on August 1, 1914, might have prevented this colossal catastrophe. Certainly this greatest tragedy that the world has ever known, as it is the greatest crime since the crucifixion of Christ, would never have happened with its loss of the lives of ten millions of men, women, and children, if the leading civilized nations of the world had promptly intervened when Germany and Austria sought to violate the fundamental decencies of the higher law by condemning Serbia to a living death without a hearing. In such event it is probable

that Germany would have accepted its present terrible moral and economic isolation?

If this war teaches no other lesson, it has written in letters of blood the great truth of the necessary solidarity of civilization and the collective responsibility of all nations for the peace of the world. The fact that the war has not been localized, as the neutral nations of 1914 vainly hoped, but has become a world-wide conflagration of immeasurable proportions, must bring home to all nations the great truth of the higher law, that they cannot selfishly and complacently stand aside when the world is in flames, with the sneering remark of Cain: "Am I my brother's keeper?"

When the great reckoning comes, if the demands of the higher law are forgotten in the exclusive consideration of purely ethnological and economic questions, then this war, no matter what the result, will have been fought to some extent in vain.

The chief of these demands is retributive justice, and unless that ideal can be constantly borne in mind to the very end, the cause of justice will be compromised.

The war weariness which brought the Seven Years' War of the eighteenth century in 1763 to

The Higher Law and World War 39

a premature conclusion manifested itself among the allied nations in the first six months of 1918, to the extent of vain attempts to adjust this irrepressible conflict between justice and injustice by the counsels of accommodation and considerations of expediency.

Fortunately the genius of Foch, surely one of the supremely great commanders of history, has changed this spirit of compromise and as I write, *currente calamo*, the hour of the reckoning seems to be approaching and a new spirit, that of a passionate desire for full and punitive justice, again inspires all the Allies.

If dark days are again their lot who shall say that the voice of expediency may not again be heard, not from our soldiers, but from our statesmen?

In this respect, I would rather trust the instinct of the masses than the reasoned sagacity of the statesmen. Even a schoolboy, with his simple vision, clearly recognizes that when a bully breaks the peace of the schoolyard, there is but one remedy and that is to thrash the bully so thoroughly that his physical arrogance will be broken.

In the recent discussions of the peace problem by the leading representatives of the allied nations, which marked the first half of 1918, the note of retributive justice was no longer sounded

insistently. By many it has been expressly disclaimed. "Peace without annexations and indemnities" became the new cry of Russia at the very crisis of her fortunes, and with that sacrifice of the great ideal of justice her mighty armies melted as the snow in spring.

Even that sturdy commoner, Lloyd George, whose forceful "Knockout" speech in 1917 had the homely wisdom and power of Abraham Lincoln, recently stated that when the Allies prevailed there would be no "tearing up" and no "vengeance." Does this mean the *status quo ante*?

This is not the spirit with which the allied nations entered into this holy crusade.

There came to men in the early autumn of 1914, a heavenly vision as fair as that which came to the shepherds on the hills of Bethlehem. That earlier vision spoke of "peace on earth *to men of goodwill*." The later vision proclaimed the same message with the added requirement of justice, without which no peace can either be just or durable. The divine mandate of 1914 was "*justice through reparation to men of goodwill and justice by punishment to men of illwill*."

Obedient to that heavenly vision, millions of men in the first flush and glory of their early manhood went to war, not for any selfish purpose either for

The Higher Law and World War 41

themselves or their country, not merely to rearrange the map upon some principle of self-determination or racial peculiarities, but to vindicate the higher law of civilization, by punishing the outlaws who had ruthlessly broken the peace of the world.

From the Channel to the Vosges Mountains there lie buried these brave crusaders for the right, and their only solace and consolation in the hour of their martyrdom was their belief that they would not die in vain and that the cause of justice would receive in good time the fullest vindication.

France alone has sacrificed a million of her youth, who now lie "somewhere in France," once a fair garden, now a Golgotha. I saw this spirit of France like her own Bayard, *sans peur et sans reproche*, from the beginning. In the first days of August, 1914, I saw a nation tread its *via dolorosa* and ascend its Calvary, and while memory remains to me that will be my most inspiring recollection.

We cannot grasp the dimensions of this sacrifice. If the fallen soldiers of France were to march past a given point four abreast, continuously day and night, it would take a fortnight before the last victim had passed.

It is to be noted that France, upon whose now

sacred soil the battle has been chiefly fought, has not echoed the suggestion of accommodation and conciliation of some of her Allies. She has remained silent, during all the peace discussions, for the unquenchable desire for retributive justice still burns in her very soul. When the peace conference shall come to pass, the voice of no nation will have a better right to be heard.

This silent determination to exact retributive justice as the main object of the war also characterizes the man in the trenches. The American soldier who, far from his home, gazes across No Man's Land and wonders whether the next shell will find in him its latest victim, is not greatly concerned with juristic questions as to the freedom of the seas or political questions as to the right of self-determination. To him the simple object of the war is to defeat and dethrone the Kaiser. This does not arise from his abhorrence of an individual, for if he believed that the one object of the war was to destroy a royal *poseur* he would doubtless feel that the sacrifices were as disproportionate to the result as if the mountains of the Bernese Alps, had they intelligence and volition, were combined to crush a crawling ant in the valley.

To these soldiers, who are offering the supreme sacrifice of their lives, the object which makes the

The Higher Law and World War 43

sacrifice tolerable is the deep conviction, however crudely it may be expressed, that the Kaiser is the representative of a ruthless and unscrupulous dynasty and that that dynasty is as much an anachronism in the twentieth century, as would be a revival of the Sargon dynasty. He believes that the Hohenzollern dynasty and Prussian militarism stand convicted of crimes that cry to heaven for vengeance and he is willing to die, if necessary, to bring about this result.

When these soldiers of all the allied nations return from the trenches, they will look askance at any adjustment which falls short of this great ideal. They will not be satisfied with changes in the map, or a new codification of international law, or new machinery for the government of the world such as the proposed League of Nations. In all these the soldier's interest is largely academic. In his judgment, the war will be fought in vain if it does not end in adequate retribution.

Any government which ignores its soldiers' demands will be guilty of a supreme folly, for if this war, which has been pre-eminently a war of peoples, should end in a lame and impotent conclusion, the governments which are responsible are likely to hear from their returned armies in no uncertain tones.

In recent peace proposals, too little is said of punitive justice. The very word "punitive" has been disclaimed. At the beginning of the war all the allied nations were agreed that the Hohenzollern dynasty must be destroyed. In the long period which followed, when the result trembled in the scales of battle, more than one of the Entente statesmen stated that the Allies would not influence the German people in determining the character of their government. The Imperial Government could make a shambles of the earth and a graveyard of the bottom of the sea, but it should not be destroyed. The sacred right of the German people to keep an incendiary on the throne must be respected.

For a time, we ceased to hear, at least with the same insistence, that the men who have violated international law, outraged the fundamental principles of civilization, and reduced the morals of the twentieth century in the usages of war to those of the cave dweller, should be tried and punished.

Until the tide of battle turned, there was a notable *crescendo* in the note of expediency and a marked *diminuendo* in the note of retributive justice. No man who sets the world on fire, as the German Kaiser has done, should be allowed to go

The Higher Law and World War 45

"unwhipped of justice," and retain his throne; yet this feature may be of little concern, for when the Allies shall win this war, the German people may relieve the Allies of the burden of destroying the Hohenzollern dynasty, root and branch.

Even if they did not, the millions of soldiers who have offered their lives as a supreme sacrifice, not merely to readjust boundaries but to punish wrong, will see to it that their statesmen shall not permit this robber dynasty any longer to curse mankind.

The demands of retributive justice, however, go much farther than the mere destruction of a reigning dynasty. Too much importance is given to a form of government. A German Republic under a Hindenburg or a von Tirpitz might be a small improvement so far as the future peace of the world is concerned.

The Higher Law demands the destruction of the Prussian Empire.

To permit that predatory government to continue would be to imperil the peace of the world afresh, for who can predict what alliances that empire, whether it call itself a monarchy or a republic, by its iniquitous methods of intrigue, bribery, and bullying, may not bring about in

future years. "Now is the accepted time, this, the day of salvation."

To destroy the Prussian Empire would be a *dénouement* of the world tragedy which would satisfy the first demand of justice. It would be an expiation worthy of Æschylus or Shakespeare.

The judges in the coming Grand Assize of the nations can with profit follow the experience of our courts of criminal justice. When a burglar attempts to rob a house, the officer of the law does not in the death grapple discuss the ethics of property rights, nor does the judge simply hand him his kit of burglar tools and permit him to go "unwhipped of justice." The law first arrests him; it then destroys his kit of burglar tools, and restores to the owner the property that the burglar has stolen. It then compels the thief to repair any damage that he has wrought.

Does it stop there?

Prevention and restitution are not equivalent to retribution. For the safety of society and as an impressive example, the law convicts the burglar of the crime and then punishes him.

The analogy is a true one. We are now in the act of preventing the greatest burglar of modern history from his wanton attack upon the rights of others. We must destroy his kit of burglar

The Higher Law and World War 47

tools, the Prussian military machine, and then compel him to make restitution of his stolen property. The process should begin from the beginning. Prussia should cede back Silesia to Austria, Prussian Poland to the new Polish nation to be reborn of this travail, Schleswig-Holstein to Denmark, Alsace-Lorraine to France, and the stolen Russian provinces to Russia.

To return these without pecuniary reparation would be a lame and impotent conclusion and, therefore, money indemnities must be exacted that will, so far as material considerations can, restore the ravaged territories to their original condition.

Restitution, however, is not retribution. The only retributive punishment that is adequate to the crime is the destruction of the Prussian Empire. I say the "Prussian Empire," not the German nation. The two are not in all respects identical. While we once overestimated the distinction, we now gravely underestimate it. The German is an ancient people, while the Prussian Empire is a *parvenu* among nations, which began its career in the crime of 1871 and which should end it in its crime of 1914. I like the recent suggestion of the editor of the *Matin* that the Prussian Empire shall end, where it began, in the great gallery of Versailles.

How can this be accomplished? To this I reply that it will be either easy or altogether impossible. If the Prussian Empire prevails in this war, the whole discussion becomes academic; but if the Allies prevail, it will not be an inconclusive victory. Unless the Allies are misled by a sickly sentimentalism and a false pacifism, they will not "negotiate" with the Prussian Empire in the sense of a parley, but will dictate terms of peace, which need only be limited by wisdom, justice, and magnanimity.

Apart from this power to dictate terms, two considerations will make the dismemberment of the Prussian Empire an easier task than many of our statesmen seem to imagine. The first is that industrial Germany would perish without the raw materials which only the countries of the Allies can supply. This I will discuss in a separate chapter.

A peaceful economic alliance against Germany, as long as the present Prussian Empire continues as a political entity, with the promise of preferential terms to the German states other than Prussia, if they will form a separate government, would probably cause the swift disintegration of that empire after its defeat on the field of battle.

It should not be forgotten that the Imperial Government is the creation of yesterday, and that it is

The Higher Law and World War 49

almost as ramshackle an empire as that of Austria. It was welded together by Bismarck by the sword, and by material success. When that sword is broken and that material success vanishes, the empire will probably crack at its very foundations.

This is true, because there are fundamental, political, social, and ethnological differences between Prussia, a mixed nation, and the rest of the German states which are by comparison pure Teutons. The incompatibility is not a thing of today or yesterday, but of ages past, and it was not mere accident that the states of the empire never united in their present form of complete subjection to Prussia until Bismarck forged the chains in the hectic days of 1871. A half a century ago, Bavaria, Würtemberg, Saxony, Darmstadt, Hesse, and Hanover all fought with Austria against Prussia, and their subjection was accomplished only by force.

A nation is something more than a political state. It is an historic entity. Prussia has contributed little or nothing to the German people, except its military martinets and subservient statesmen.

Lessing, Fichte, and Wagner were Saxons; Holbein and Dürer were Bavarians; Goethe was from Frankfort; Wieland, Schiller, Hegel

were Swabians; Beethoven was a Rhinelander of Belgian ancestry; Bach, a Thuringian.

The best of Germany is non-Prussian.

In 1893, Prince Bismarck said: "There are many who are glad to be citizens of the German Empire who will not be Prussians," and as late as 1914, his successor, von Bethmann-Hollweg, said that the Bavarian, Swabian, and the Badener "regard men and matters with other eyes than the Prussian and the North German." Again he said, on the eve of the present war:

The hostility against Prussia has steadily increased since the memories of the national struggles and of what the Empire owes to Prussia have been pressed into the background by the material interest of the present.

This condition of internal disunion, which preceded the war, will be infinitely increased when the bitter chalice of defeat is commended to their lips, and they fully realize that this calamity, which has lost them the respect and goodwill of the world, was caused by a wholly unnecessary and unjust war brought by their imperial government upon the falsest of false premises.

Here, then, is an opportunity for constructive statesmanship.

The victorious Allies, not merely as an act of

The Higher Law and World War 51

retributive justice, but as a measure of common safety and for the general welfare of the world, should, on the conclusion of the war and as a part of the peace conference, invite the German states, other than Prussia, to form their own government in their own way, and should promise such new government of the better Germany such preferential terms in the treaty of peace, as compared with the punitive terms reserved for Prussia, as would constitute a powerful incentive to historic Germany to emancipate herself from the destructive dominance of Prussia. The Allies could guarantee her existence as a separate state against the future aggressions of Prussia and could promise her a restored standing in the fellowship of nations, with commercial reciprocity.

This would make Prussia a petty principality, such as it originally was in the days of the Elector of Brandenburg. Its great industry, war, would end. Its poverty without Germany would reduce it to impotence. It deserves a fate which will satisfy the craving for retributive justice that the wisest statesman must take into account.

This is a war of peoples and their will must prevail. What their swords win, opportunists must not lose to mankind.

The folly of statesmen in all ages has been to

regard justice as a mere abstraction of impracticable idealists. They and we must realize that it is the dominating factor in human progress. To sacrifice uncounted billions of treasure and uncounted millions of lives for a lame and impotent conclusion, such as a peace by compromise and shifty accommodation, would mark the high tide of human folly. It would be to crucify the cause of justice afresh and to put it to an open shame.

All other considerations must be subordinated to the primal requisite of retributive justice. Only thus will the nations "rise to the height of the great argument, vindicate eternal Providence, and justify the ways of God to man."

CHAPTER III

THE RECONSTRUCTION OF GERMANY

Is a new and nobler Germany a possibility?

On the threshold of this inquiry lies the question so often discussed in the last four years as to whether there is any distinction between Prussia and historic Germany, or between the Imperial Government and the German people. If there be none, as now commonly assumed, then all Germany must go down in a common ruin.

But is this complete identity quite so clear?

At the beginning of the World War, the Allies generously assumed that in degree, if not in kind, a distinction did exist. It was recognized that by reason of a censorship, which stifled knowledge, the German people went to war in partial ignorance of the cause of the conflict. Servia's conciliatory reply to Austria had been largely suppressed in the German press, and the Imperial Government through its press agencies had inflamed the people with the monstrous fiction that

at the very time that their Kaiser was endeavouring to preserve the peace of the world, France, Russia, and Great Britain had made a treacherous and cowardly assault upon peace-loving Germany.

Many were deceived. The wise knew better.

The Allies, in August, 1914, made a generous allowance for this error and characterized their war as one of defence against the Imperial Government.

They soon learned that this distinction had been greatly overestimated and that the German people, when they knew the truth, had supported and have since supported, as a mass, not only Prussia's policy of spoliation and conquest, but also the infamous atrocities with which the German name will be stained forever.

This reaction has driven the peoples of the allied nations to another extreme, which is also indefensible. It is not true that the German nation has with substantial unanimity supported the justice of her cause or sanctioned her infamous departure from the rules of war imposed by the higher law. We know of many brave men, such as Liebknecht, Lichnowsky, Muehlon, Fernau, the author of *J'accuse*, Haase, Ledebour, Dittman, and many others, who raised their voices against the iniquity of this atrocious war, in the spirit of

Luther, and there are undoubtedly many more behind the veil which separates Germany from the rest of the world. Reasoning *a priori*, it is probable that the iron discipline, which is the dominant characteristic of the German people, has sealed the mouths of many who have shared the views of the heroic Liebknecht and his associates of the dissenting wing of the Socialistic party.

For this reason, no safe conclusion can be drawn from any description of the German people made since the outbreak of the war. We must go back to the period anterior to the war and then we shall reason on surer premises.

To show that all Germany was not in favour of this war, and that this internal schism gave rise to a war party and a peace party—each of considerable proportion, let me first quote testimony whose authority publicists in the allied nations will gladly accept.

In 1913, Mr. Jules Cambon, the very able and very noble ambassador of France to Germany, transmitted to his government a secret memorandum, based upon the reports of French consuls in all parts of Germany, as to the conditions which then existed. I know of no testimony which represented more detailed and trained observation

and as it came from the French ambassador, who had no incentive to gloss over the bellicose tendencies of Germany, it has the greater weight. It was printed in the French *Yellow Book* (document No. 5).

It deserves careful reading at this time in its entirety but space only allows a quotation of its most pertinent portion. It says:

German public opinion is divided into two currents on the question of the possibility and proximity of war.

There are in the country forces making for peace, but they are unorganized and have no popular leaders. They consider that war would be a social misfortune for Germany, and that caste pride, Prussian domination, and the manufacturers of guns and armour plate would get the greatest benefit, but above all that war would profit Great Britain.

The forces consist of the following elements:

The bulk of the workmen, artisans, and peasants, who are peace-loving by instinct.

Those members of the nobility detached from military interests and engaged in business, such as the *grands seigneurs* of Silesia and a few other personages very influential at Court, who are sufficiently enlightened to realize the disastrous political and social consequences of war, even if successful.

Numerous manufacturers, merchants, and financiers in a moderate way of business, to whom war, even if successful, would mean bankruptcy, because

The Reconstruction of Germany 57

their enterprises depend on credit, and are chiefly supported by foreign capital.

Poles, inhabitants of Alsace-Lorraine, and Schleswig-Holstein—conquered, but not assimilated and sullenly hostile to Prussian policy. There are about seven millions of these annexed Germans.

Finally, the governments and the governing classes in the large southern states—Saxony, Bavaria, Würtemburg, and the Grand Duchy of Baden—are divided by these two opinions:—an unsuccessful war would compromise the Federation from which they have derived great economic advantages; a successful war would only profit Prussia and Prussianization, against which they have difficulty in defending their political independence and administrative autonomy.

These classes of people either consciously or instinctively prefer peace to war; but they are only a sort of makeweight in political matters, with limited influence on public opinion, or they are silent social forces, passive and defenseless against the infection of a wave of warlike feeling.

Those in favour of war are divided into several categories; each of these derives from its social caste, its class, its intellectual and moral education, its interests, its hates, special arguments which create a general attitude of mind and increase the strength and rapidity of the stream of warlike desire.

Some want war because in the present circumstances they think it is *inevitable*. And, as far as Germany is concerned, the sooner the better.

Others regard war as necessary for economic reasons based on over-population, over-production, the need for markets and outlets; or for social

reasons, *i. e.*, to provide the outside interests that alone can prevent or retard the rise to power of the democratic and socialist masses.

Others, uneasy for the safety of the Empire, and believing that time is on the side of France, think that events should be brought to an immediate head. It is not unusual to meet, in the course of conversation or in the pages of patriotic pamphlets, the vague but deeply rooted conviction that a free Germany and a regenerated France are two historical facts mutually incompatible.

Others are bellicose from "Bismarckism" as it may be termed. They feel themselves humiliated at having to enter into discussions with France, at being obliged to talk in terms of law and right in negotiations and conferences where they have not always found it easy to get right on their side, even when they have a preponderating force. From their still recent past they derive a sense of pride ever fed by personal memories of former exploits, by oral traditions, and by books, and irritated by the events of recent years. Angry disappointment is the unifying force of the *Wehrvereine* and other associations of Young Germany.

Others again want war from a mystic hatred of revolutionary France; others finally from a feeling of rancour. These last are the people who heap up pretexts for war.

Coming to actual facts, these feelings take concrete form as follows: The country squires represented in the Reichstag by the Conservative party want at all costs to escape the death duties, which are bound to come if peace continues. In the last sitting of the session which has just closed, the

The Reconstruction of Germany 59

Reichstag agreed to these duties in principle. It is a serious attack on the interests and privileges of the landed gentry. On the other hand, this aristocracy is military in character, and it is instructive to compare the Army List with the year book of the nobility. War alone can prolong its prestige and support its family interest. During the discussions on the Army Bill, a Conservative speaker put forward the need for promotion among officers as an argument in its favour. *Finally, this social class which forms a hierarchy with the King of Prussia as its supreme head, realizes with dread the democratization of Germany and the increasing power of the Socialist party, and considers its own days numbered.* Not only does a formidable movement hostile to agrarian protection threaten its material interests, but in addition, the number of its political representatives decreases with each legislative period. In the Reichstag of 1878, out of 397 members, 162 belonged to the aristocracy; in 1898, 83; in 1912, 57. Out of this number, 27 alone belong to the Right, 14 to the Centre, 7 to the Left, and one sits among the Socialists.

The higher bourgeoisie, represented by the National Liberal party, the party of the contented spirits, have not the same reasons as the squires for wanting war. With a few exceptions, however, they are bellicose. They have their reasons, social in character.

The higher bourgeoisie is no less troubled than the aristocracy at the democratization of Germany. In 1871 they had 125 members in the Reichstag; in 1874, 155; in 1887, 99; in 1912, 45. They do not forget that in the years succeeding the war

they played the leading rôle in parliament, helping Bismarck in his schemes against the country squires. Uneasily balanced today between Conservative instincts and Liberal ideas, they look to war to settle problems which their parliamentary representatives are painfully incapable of solving.

In addition, doctrinaire manufacturers declare that the difficulties between themselves and their workmen originate in France, the home of revolutionary ideas of freedom; without France, industrial unrest would be unknown.

Lastly, there are the manufacturers of guns and armour plate, big merchants who demand bigger markets, bankers who are speculating on the coming of the golden age and the next war indemnity—all these regard war as good business.

Amongst the "Bismarckians," must be reckoned officials of all kinds, represented fairly closely in the Reichstag by the Free Conservatives or Imperial party. This is the party of the "pensioned," whose impetuous sentiments are poured out in the *Post*. They find disciples and political sympathizers in the various groups of young men whose minds have been trained and formed in the public schools and universities.

The universities, if we except a few distinguished spirits, develop a warlike philosophy. Economists demonstrate by statistics Germany's need for a colonial and commercial empire commensurate with the industrial output of the Empire. There are sociological fanatics who go even further. The armed peace, so they say, is a crushing burden on the nations; it checks improvement in the lot of the masses, and assists the growth of socialism.

The Reconstruction of Germany 61

France, by clinging obstinately to her desire for revenge, opposes disarmament. Once for all, she must be reduced, for a century, to a state of impotence; that is the best and speediest way of solving the social problem.

Historians, philosophers, political pamphleteers, and other apologists of German *Kultur* wish to impose upon the world a way of thinking and feeling specifically German. They wish to wrest from France that intellectual supremacy which, according to the clearest thinkers, is still her possession. From this source is derived the phraseology of the Pan-Germans and the ideas and adherents of the *Kriegsvereine*, *Wehrvereine* and other similar associations too well known to need particular description.

Let us now take the testimony of another diplomat with equal opportunities of observation.

Baron Beyens, the Belgian Minister at Berlin, thus writes in his very interesting book, *Germany before the War*:

Soon after the opening of the twentieth century, there began to appear, *chiefly in Prussia*, a steady drift of opinion in favour of fresh European conflicts. The adherents of this creed were known abroad under the comprehensive name of "war party." They were drawn in the first place, from the field-marshals and "colonel-generals" (*General-obersten*), the generals on the active list, the aides-de-camp of the Emperor, the hotheads of the Staff,

and the more ambitious officers of all grades. To these must be added the retired army men, reactionary squires who lived on their estates, and saw the ever-growing taxation accompanied by a rise in the national wealth, in the standard of comfort and luxury, while their own incomes could not show a corresponding advance. These malcontents held that a little blood-letting would be of great service in purifying and strengthening the social body, and in restoring to the patrician caste that preponderance which was its due, and which seemed likely to be usurped by the self-made plutocrats of industry and commerce.

Apart from the military element, which naturally carried most weight, the war party included a large number of civilians—the majority of the high Prussian officials; the true-blue Conservatives in the Reichstag and the "Conservative Imperialists," together with the members of other middle-class groups; and the patriotic writers, the journalists, the intellectual cream of the universities and schools. All these were obsessed with the vision of a Germany subjugating the world by her arms as she thought to have already conquered it by her superior culture and her incomparable science. Their unhealthy ambitions were encouraged by a cantankerous Press, jealous of the races that embody the civilization of the past, and choosing to regard these as decadent rivals of the noble Germanic stock, which was destined to give an enslaved world the opportunity of enjoying the civilization of the future.

The war party was faithfully supported by the *Wehrverein* (Union of Defence), a military league which in the space of a few years spread its powerful

The Reconstruction of Germany 63

roots over the whole of Germany. . . . Finally, the warlike spirit was kept alive among the lower classes by numerous associations of veterans, the *Kriegsvereine* (War Leagues). Their ominous name is enough to show that they strove their hardest *to counteract the growing force of pacific tendencies among a nation* in which the amazing development of its industry and commerce had bred a feverish desire to amass wealth.

The author has talked with many Americans who remained in Germany until the entry of the United States in the War, and all of them without exception bore witness to the fact that in Germany there were many men who opposed this war in principle, while supporting their Government in practice. Naturally they were reserved in open expression when even suspicion of lukewarmness would throw a man into prison, for an indefinite term and without trial, by a so-called "preventative arrest," but in the confidence of friends and behind closed doors, many did express themselves to Americans in the days of our neutrality as hostile to Germany's imperial designs and as deprecating atrocities like the invasion of Belgium, and the sinking of the *Lusitania*.

If these witnesses are true, how can the complete identity of the German Government and the German people be safely assumed?

The question is of vast importance, for if there be no "saving remnant" of the German people, then the future for all civilization is dark indeed, for even if the Allies could impose upon them a more democratic government, it would not last or even be workable. Moreover, the spirit of the people would remain the same. It is a common delusion to give undue importance to forms of government. If you cannot indict a whole people, as Burke said, even more you cannot destroy one. Nearly seventy millions of Germans will remain when the war is ended. Unless they can be reconstituted, the future of the world is dark, for such an element in the heart of civilization, living sullenly by themselves, would be a danger of first magnitude. *The world must save the German people in order to save itself.*

What hope is there of the needed regeneration of the German people and their adaptation to a more liberal form of government?

Dr. Kuno Francke of Harvard, in an article which appeared in *Harper's Monthly* in its issue for September, 1917, gave little assurance of any reformation. Himself an ardent believer in the value of the Hohenzollern dynasty, he took occasion to argue that the German people were indissolubly wedded to their mediæval despotism,

The Reconstruction of Germany 65

although he sugared the pill to the American public by suggesting the possibility of internal reforms, which would make the imperial régime somewhat more responsive to the popular will.

I may again repeat what I then said in reply to Doctor Francke's reactionary and depressing views. To Americans, whom Doctor Francke vainly sought to reconcile to the beneficence of the Hohenzollern dynasty, his argument was disappointing and unconvincing. It sounded as an echo to the ignoble address of the ninety-three German intellectuals, who in 1914 prostituted their intellectual qualities and sacrificed their reputation to give currency to the base lie that Germany was not the aggressor.

Doctor Francke's reasoning was based upon *ante-bellum* conditions. Apparently, he wholly failed to recognize that these will never return and that the end of the war will find a new Germany, possibly a nobler one, possibly a baser one, if that were possible.

The most sagacious statesman that Germany ever gave to the world, Prince Bismarck, was not disposed to accept, as Dr. Kuno Francke does, the inevitability of deductions from prior conditions. Thus, in 1867, when Count von Moltke advocated a declaration of war against France

on the ground that the war was "absolutely unavoidable within the next five years," Bismarck, as recorded in his *Memoirs*, replied:

The personal conviction of a ruler or statesman, however well founded, that war would eventually break out, could not justify its promotion. Unforeseen events might alter the situation and avert what seemed inevitable.

Again, in 1875, when the same war party at Potsdam, which precipitated this terrible war, was then urging the Iron Chancellor to take the first favourable opportunity to crush France, just as the stricken gladiator was struggling to his feet after the *débâcle* of 1870, Bismarck (the *Memoirs* once more are the authority) again remarked:

No one can look into the cards held by Providence.

On another occasion Bismarck made a pregnant suggestion, the following of which by his successors would have avoided this world war; when he was addressing the Reichstag on February 6, 1888, in replying to the same military cabal, who were then urging war, Bismarck prophetically said:

If in the end we proceed to attack, the whole weight of the *imponderables*, which weigh much

The Reconstruction of Germany 67

heavier than material things, will be on the side of our enemies whom we have attacked. "Holy Russia" will be enraged by the attack. France will bristle to the Pyrenees with weapons. *The same thing will happen everywhere.*

This distinction between the ponderables and the "imponderables," which the man of "blood and iron" was wise enough to recognize, is largely ignored by the apologists for the Hohenzollern dynasty, and the question of the possible regeneration of the German people will be answered, not by the influence of the ponderables, upon which Doctor Francke largely rested his arguments, but of the imponderables, to which he gave scant recognition.

His article would have been more illuminating if he had told us what would happen to the Imperial Government if the war's result should be for Germany a Jena and not a Sedan. He also failed to tell us what the German citizen will think when he learns the full truth as to its origin, and when he realizes, as realize he must in due time, that Germany could have avoided this war, with all its infinitely tragic suffering, had its Imperial Government shown any yielding spirit to the almost pathetic pleadings of Russia, France, and Great Britain for any peaceful adjustment of the

controversy. The deliberate deceit then practised upon the German people will surely be an element in the reckoning.

The assumed solidarity of the German people in this contest undoubtedly existed at the beginning of the war, for they were taught and inflamed by the baseless fiction that in the very midst of their Government's "mediatory" influences to avert war, Russia had struck a treacherous blow. When they learn that Russia, Great Britain, and France proposed mediation, a concert of the Powers, a reference to The Hague tribunal, and even conceded that Austria should so far proceed in its war against Servia as to hold Belgrade as a hostage for its good behaviour, and that Austria, instigated by Germany, would not yield to any of these peaceful suggestions, but insisted upon the imposition of its will at any hazard, then it is possible that the German masses will be less concerned about domestic political problems, and more with the criminal folly of this atrocious war and the responsibility of their autocratic government for all its unprecedented horrors.

Doctor Francke's readers would have been more interested and edified if he had told them fully and frankly what would be the effect of defeat upon a ruined and impoverished Germany,

The Reconstruction of Germany 69

whose first-born are slain and the lintels of one sixth of whose homes are splashed with the very life-blood of the nation.

Let him further analyze the state of the German mind when it realizes, whether it is victorious or defeated, that the brand of Cain is upon it and that it is driven by the public opinion of the world from the Eden of civilization, as one upon whom is the "primal, eldest curse, a brother's murder." Even to the materialists among the German people, to whom the goodwill of the world may be a minor asset, the thought is not likely to be comforting that the possible economic supremacy of the world was thrown away in an utterly needless and avoidable war, as to the causes for which the German people were largely kept in ignorance by a censored press and which was suddenly precipitated by a military clique, of which the Kaiser is the titular head.

When the day of reckoning comes, is it likely that the German citizen will give his first attention only to such domestic problems as ministerial responsibility to parliament, suffrage reform in Prussia, redistribution of the electoral districts for the Reichstag, disestablishment of the Church, and a militia system in place of obligatory universal service, to which Doctor Francke refers? Ulti-

mately, all these crying needs—so essential to true liberty—are likely to have his very practical attention; but if human nature counts for anything, the German *Michel* will first call his rulers to a stern reckoning for deluging Germany with blood in a wholly needless and fruitless war.

It must be admitted that if Germany should win this war or even achieve a stalemate, for which as I write she is now trying, all hope of the democratizing of Germany would be at an end. Her besetting sin is a gross materialism, and no nation has more fully accepted the principle that “nothing succeeds like success.”

It may be conceded that since 1848 there is little in the history of Germany to justify the conclusion that if she shall be successful in this war, the success will not be regarded as fully justifying both its origin and all its incidental methods, at which the whole civilized world stands aghast. In that event, the Kaiser will undoubtedly emerge from the titanic conflict a second Napoleon, and with reason, for Napoleon never encountered a more formidable coalition than has the German Kaiser, and it should be freely recognized that he has thrown himself into the war with stupendous energy and strength.

A victory for Germany would thus be in all probability the end, for at least a generation, of any hope for a liberal government for that ill-fated land. Germany would then be the first power in the world and, like Napoleon, would have to defend its position, and to do this, an even greater concentration of power in its Imperial Government would be the inevitable result. The reforms, spoken by Doctor Francke, would be quickly forgotten. "When the devil was sick, the devil a monk would be"—but "the proverb is something musty," although as I write the devil is exceedingly sick and is vociferously crying: "*Kamerad.*"

But does not this reasonable inference from the hypothesis of victory carry with it as a necessary corollary an opposite but equally reasonable deduction from the hypothesis of defeat? Unless the experience of history means little, the Hohenzollern dynasty will reap the benefits of a successful war or will bear the burdens of an unsuccessful war. Prussia's apologists should remember that nothing fails like failure.

Having thus ignored the vital element in the problem, Doctor Francke proceeded with an inaccurate premise, which is the very basis of his argument. While admitting that the Socialistic

party in Germany has in years past "habitually taken a demonstratively anti-monarchical stand," he yet calmly assumes that its activities in this respect, carried on for many decades in the very teeth of drastic laws which curb the free expression of opinion, are, "after all, demonstrations, and nothing more." He instances the fact, so significant to most reasonable men, that at each session of the Reichstag for many years the Socialistic party, representing more than four million German voters, and therefore representing the largest element of its citizenship, regularly withdrew in a body from the Reichstag before the formal cheers for the Emperor were given, and he adds that the members of this party have always been "particularly unsparing and virulent in personal criticism of the present Emperor." He might have added that in a session of the Reichstag, which preceded the war, the Socialistic deputies to emphasize their hatred of Kaiserism went further by remaining silent in the Chamber when the customary cheers were given. All this, however, in Doctor Francke's opinion is only "demonstration."

If it were the custom in this country for the President of the United States to appear at the close of every session of Congress, and if a majority

of its representatives were accustomed to withdraw ostentatiously before his appearance, we would naturally assume that there was a very deep-seated feeling against the President and the system that he represented; but Doctor Francke so far impeaches the sincerity of these striking manifestations by the German Socialists as to suggest that they must be taken purely in a Pickwickian sense. The fact that the Socialistic party in Germany, representing mainly the opposition to monarchical absolutism, has grown in the teeth of the Kaiser's shrieking anathemas from 763,000 votes in 1887 to 4,250,000 votes in 1912 would seem to indicate that these demonstrations were something more than merely parliamentary finesse, as Doctor Francke assumes.

It is said that at the momentous session of the Reichstag on August 4, 1914, the Socialistic party voted almost unanimously for the war appropriation.

To me this statement has little significance. If true, it would only mean that at a time when the German people believed in good faith that Russia, Great Britain, and France had treacherously attacked peace-loving Germany, the Socialist members of the Reichstag voted for an appropriation to defend the very existence of their

country. What else could they do? What else would the members of a representative party do? Even if they were in doubt as to the cause of the conflict, they would naturally resolve the doubt in favour of their own country. Even if they were certain that the allegation of a treacherous attack were false, yet a "condition, not a theory," confronted them. Germany was at war. It was plainly a life-and-death struggle. Upon no class of the German people did this struggle fall more heavily than upon the class that the Socialists represented. For them to vote for a war appropriation was a natural course under the circumstances and can in no way be significant in determining whether they did so with any kindlier feeling toward the imperial régime.

As a matter of fact, all the Socialist members did not vote for the war loan. Some absented themselves and some refused to vote. While it was given out that the party's representatives had voted unanimously for the war credit, Dr. Karl Leibknecht—that "bravest of the brave," to whom be immortal honour!—wrote to the Bremen *Bürgerzeitung* with reference to this canard as follows:

In order to prevent the origination of an inad-

The Reconstruction of Germany 75

missible legend, I feel it my duty to put on record that the issues involved gave rise to diametrically opposite views within our parliamentary party and that these opposing views found expression with a virulence hitherto unknown in our deliberations. It is therefore entirely untrue that the assent to the war credits was given unanimously. When the second war loan was proposed on December second, fifteen of one hundred members refused to vote in favour of the war loan and others voted for it in deference to a party caucus after having uttered their protest in such caucus.

In this connection it is interesting to note—for it has been largely ignored or forgotten—that the German Socialist party denounced the war in unmeasured terms in that fateful last week of July, 1914.

On July the 25th the party formally announced that “the war fury, unchained by Austrian imperialism, is setting out to bring death and destruction over the whole of Europe.” It condemned the frivolous war provocation of the Austro-Hungarian Government, and added that its demands upon Servia “are more brutal than have ever been put to an independent state in the world’s history *and can only be intended deliberately to provoke war.*”

On July the 29th, twenty-eight Social-Demo-

cratic mass-meetings were called in Berlin and a resolution was passed denouncing the war. One of these twenty-eight meetings, it is said, had an attendance of seventy thousand men. In Stuttgart, the Socialists threatened to declare a general strike as a protest against the war. Hundreds of other anti-war mass-meetings were held in other industrial centres of Germany.

The editorials from *Vorwaerts*, the official organ of the Socialists are even more striking. On July 25, 1914, it denounced the Austrian ultimatum as "shameless," and stated that it was "an act of criminal frivolity on the part of the German press to urge on its dear allied comrades to the last extremities in their lust for war." It proclaimed that in Berlin "there is being played just as dangerous a game as in Vienna."

On the 26th it denounced Austria's Serbian ultimatum as "a scandalous surprise," and on the 27th spoke of the policy of Germany as foolhardy in supporting Austria's insane desperado politics.

On the 28th it commended the proposition of Sir Edward Grey for mediation and arbitration by the four neutral powers, and on the 29th, again placed the blame on Austria and denounced its own government for rejecting the British mediation plans. It denounced the German Foreign

The Reconstruction of Germany 77

Office for declining to support the proposition of England and Russia for a temporary cessation of Austrian hostilities, and prophetically added that this would place upon the German Government "the most awful responsibility before its own people, before the foreign nations, before the forum of the world's history." It further said that it was within the power of the German Kaiser to preserve peace, but added

that the indications prove beyond doubt that the camarilla of war lords is working with absolutely unscrupulous means . . . to carry out their fearful designs to precipitate an international war, to start a world-wide fire, to devastate Europe.

On July 29th it said:

And in England, too, the impression is quite general that the German Kaiser bears the blame, that it lay in his power, as ally and adviser of Austria, to shake war or peace out of the folds of his toga, *and England is right.* In the present situation, William II. holds the outcome in his hands. *We have always been and always will be opponents of monarchical rule.*

Let my readers remember that this was said in the official organ of the Socialistic party—probably written by its leader, Karl Liebknecht—and that that party represents nearly twice as many votes as the next largest political group.

On July 31st, after the declaration of martial law and partial mobilization, *Vorwaerts* justified the refusal of Russia to turn Serbia over to Austria and denounced its own government for unreservedly supporting the policy of Austria, which it declared was "utterly without conscience." On August the 1st, it held that Russia's mobilization did not excuse Germany for such summary action. On August the 3d, it condemned the members of the Socialistic party who had voted for the first war credit.

On the voting of the second war credit in December, 1914, fifteen Socialistic members of the Reichstag out of one hundred and eleven members of that party refused to vote. Liebknecht voted "No," and made this explanatory statement:

This war, which none of the peoples interested wanted, was not declared in the interests of the Germans or of any other people. It is an imperialist war for capitalization and domination of the world markets, for political domination of important quarters of the globe, and for the benefit of bankers and manufacturers. From the viewpoint of the race of armaments it is a preventive war provoked conjointly by the war parties of Germany and Austria in the obscurity of semi-absolutism and secret diplomacy. It is also a Bonaparte-like enterprise tending to demoralize and destroy the growing labour movement. That

The Reconstruction of Germany 79

much is clear despite the cynical stage management designed to mislead the people. This is not a defensive war. We cannot believe the government when it declares it is for the defense of the fatherland.

Again and again in subsequent debates in the Reichstag, this superlatively brave man—as brave as Luther at the Diet of Worms—although brutally jeered at and howled down, attempted to tell the German people the truth, until he was sent to the front and finally thrown into prison. The treatment thus accorded to this noble tribune of the people, the outrageous system of preventive arrests, whereby thousands have been thrown into prison without charges or trial, the employment of hordes of police spies, the suppression of free speech and of free press, would seem to indicate that if there be in Germany the condition of harmony among parties and political groups, as Doctor Francke affects to believe, then it is peace of the Warsaw variety.

With a dark barrier secluding Germany from observation, except as rumours of riots and uprisings reach us from time to time through neutral countries, is it so clear that the stock of which Carl Schurz and the other heroes of the Revolution of 1848 were born is entirely extinct?

The average German is docile to an extreme. So were the people of France on the eve of the Great Revolution. They suffered for centuries, but when they arose, the reaction was the profounder for having been suppressed for centuries. May not the same phenomenon again be witnessed? Who can reply in the negative with absolute assurance?

May not Liebknecht, if still in prison, be one day released by such an uprising as stormed the Bastile? Who shall say that he may not prove a new and nobler Mirabeau, voicing the protests of the German people against further tyranny, and calling the supreme War Lord himself to a stern reckoning?

What an expiation and what "a consummation devoutly to be wished," if Liebknecht were made the first President of a German republic and became its Washington.

Is it certain that the stock—even though it be a "saving remnant"—which gave Carl Schurz to America and Heine to Paris does not still exist to bring about a more successful revolt against Kaiserism than that of 1848?

It must also be recognized that a German Republic may be either for a victorious or a defeated Germany an imperious necessity. The attitude

of the rest of the world to Germany which existed prior to August 1, 1914, will not be resumed when the war is ended. This is no ordinary war, fought for mere economic advantage or territorial aggrandizement; it is a life-and-death struggle between proud and great groups of nations, and, most unfortunately, the methods of warfare have led to a hatred and bitterness such as the world has not known since the Thirty Years' War.

Whether victorious or defeated, Germany is likely to suffer for many years from a social and economic boycott, not necessarily inspired by any government, but the voluntary act of thousands of individuals with whom the feeling of resentment will be keen and lasting. It is probable that it will be many years before any Frenchman or Briton will, without urgent necessity, have business relations with Germans. Travel between the countries will be paralyzed, for few Frenchmen or Britons will enter Germany and still fewer Germans will be welcomed in France or Great Britain.

In America we do not realize the intensity of feeling which the sufferings and barbarities of this war have brought about. To us the war seems a generous and romantic crusade. To our Allies in Europe it is a life-and-death struggle with bandits

and thugs. They cannot understand the occasional and recent admonitions of our statesmen that the Allies must be just to Germany, and must have no feeling of hatred.

The conclusion seems reasonable that the material prosperity of Germany will suffer immeasurably for years to come from this economic and social boycott, and is it unlikely that when this fact is clearly taken into account and when it is further recognized that the resentment of the world would be lessened if Germany were to transform its autocratic monarchy into a Republic or limited monarchy by dethroning the Hohenzollern dynasty, the business interests of Germany will find opportunity to suggest in no unmeaning way that, as Germany sacrificed itself for the prestige of the Kaiser, the time has come when the Kaiser could profitably sacrifice his crown for the benefit of the German people?

When France recognized that Napoleon was an impediment to any fellowship in the European family of nations, its leading marshals promptly requested the abdication of the great Emperor, and it is not impossible that the German captains of industry—the Ballins and the von Gwinners—may find it necessary at the end of the war, when German ships lie rotting at their docks, when

manufactories are idle, and banks are swept away with a hurricane of financial disaster, to suggest to their imperial master that the greatest service that he could render Germany would be to abdicate.

The agitation for immediate liberalization of Germany is growing daily and newspapers which heretofore were strongly conservative are now urging democratic reform. Professor Otto Kuntze, the accredited historian of the Hohenzollern dynasty, has recently said:

We Prussians cannot stand alone in the midst of Germany, of Europe, and of the whole world and resist liberalization. We are threatened with dangerous isolation from the world's people.

Doctor Francke's argument also proceeds upon the theory that the continuance of the Imperial Government will necessarily rest with the German people. The genius of Foch and Haig and the valour of the allied armies have already shown that this will not be the case. There will be no "peace without victory." The final determination of the fate of the Hohenzollern dynasty will rest with the Allies.

While the Romanoffs were upon the throne of Russia, little was publicly said on this subject in

Paris and London, but none the less there was a settled determination that when the time came to discuss peace, such discussion would be with the representatives of the German people and not with the Hohenzollern régime. The reply of the new German Chancellor, Prince Max, to President Wilson of October 12, 1918, clearly shows that Germany fully recognizes this.

The world has awakened to the truth of the remark which Napoleon made at St. Helena when he said:

I made the mistake of my career, when I had the opportunity, that I did not remove the Hohenzollerns from the throne of Prussia. As long as this house reigns and until the red cap of liberty is erected in Germany, there will be no peace in Europe.

How could it be otherwise? What value could be attached to any pledge or guarantee that the Kaiser would now give as a condition of peace? If any nation were disposed to make peace upon the assurance of the Kaiser that in future he would respect its rights, the fate of Belgium would give such nation ground for pause. To treat solemn treaties as "scraps of paper" has the disadvantage that the violator of treaty obligations cannot find safety in them in the hour of need.

I do not pretend to any gift of prophecy. Ger-

The Reconstruction of Germany 85

many may remain an empire, and no one can ignore the possibility that the Kaiser may retain his throne, with or without his present powers. But is it not probable that with the defeat of Germany the Emperor will share the fate of Napoleon III.? May it not become apparent to every intelligent German, when this war is ended, that the only hope of a durable peace and the only possibility for Germany to enjoy on equal terms fellowship with the free states of the world, lies in the abolition of its mediæval monarchy, and the substitution either of a limited monarchy with a different dynasty, or a republic?

And with this step taken, may not the better Germany take the final step and divorce herself from her incestuous marriage with Prussia? Then and then only, the world-wide hatred, which as a mighty flood now engulfs Germany, would begin to abate.

Can the German people fail hereafter to recognize this?

It is not a happy marriage which will thus be dissolved. It has been a union of incompatible spirits, the dreamy and sentimental German, a curious mixture of generous sentimentalism and the grossest materialism, for a half century debased by material prosperity, with a Slav-Teuton political

mongrel, Prussia, whose elemental barbarity, civilization, as Goethe predicted, has only veneered and accentuated.

Already the Kaiser, by his decree of September 30th, has promised the rudiments of parliamentary government. I predict that these will as little serve to save his crown and possibly his head as the concessions which Louis the Sixteenth made too tardily to the rising democracy of France. It is possible that Hohenzollern cunning may again defeat the expectations of the German masses, as it falsified solemn promises, made during the Napoleonic wars, and later, when Bismarck imposed upon the German people a base counterfeit of parliamentary government, but as I write, events indicate a more portentous uprising of the German people, and already some concessions toward a democratic form of government have seemingly been made, as a result of the imperative demands of a new coalition of the strongest parliamentary groups in the Reichstag.

The spirit of 1848 may not be as dead in Germany as the apologists for the Hohenzollern régime would have us believe.

In his peace proposal to President Wilson, Prince Max speaks for the Reichstag, not for the Emperor, whom he does not even mention.

The Reconstruction of Germany 87

Here already may be a revolution, and the Kaiser may soon hear, from some courtier as did Louis the Sixteenth, the warning:

“No, sire, it is not a revolt; it is a revolution.”

CHAPTER IV

THE LIBERATION OF THE GERMAN PEOPLE

IT was well said twenty-eight years ago by a distinguished Portuguese poet, Eca de Queiroz, that the Emperor's assumption of infallibility due to divine inspiration carried with it this fatal disadvantage—that, in the hour of disaster, Germany would at once conclude that his much-vaunted alliance with God was the trick of a wily despot.

That so intellectual a nation ever accepted the Kaiser's claim of divine inspiration is in itself one of the humorous phenomena of a tragic age and goes far to make the Kaiser, as Tolstoi prophetically called him, "the most comical personality in the present time." The great Russian should have said "tragic-comical." Even the courtiers of Caligula laughed at his assumption of divine inspiration.

Queiroz thus wrote a quarter of a century ago:

Then will there not be stones enough from Lorraine to Pomerania to stone this counterfeit Moses.

The Liberation of the German People 89

William II. is in very truth casting against fate those terrible "iron dice" to which the now forgotten Bismarck once alluded. If he win he may have within and without the frontiers altars such as were raised to Augustus; should he lose, exile, the traditional exile, in England awaits him—a degraded exile, the exile with which he so sternly threatens those who deny his infallibility. M. Renan is therefore quite right: there is nothing more attractive at this period of the century than to witness the final development of William II. In the course of years (may God make them slow and lengthy!) this youth, ardent, pleasing, fertile in imagination, of sincere, perhaps heroic, soul, may be sitting in calm majesty in his Berlin Schloss presiding over the destinies of Europe—or he may be in the Hotel Metropole in London sadly unpacking from his exile's handbag the battered double crown of Prussia and Germany.

The author predicted a year ago in a public address at Montreal that within a year the Kaiser would either be master of Europe or an uncrowned exile.

That there is in Germany a spirit that has and will defy Kaiserism and that the people as a whole are not a nation of serfs, as is now too commonly supposed in allied countries, is shown by the growth of the Socialistic Party in the face of the most formidable government opposition.

Forty years ago, Bismarck used all his mighty

power to crush the Socialists, the party of democracy. He dissolved the Reichstag, and in one month the servile Law Courts at the dictation of the Imperial Government inflicted not less than five hundred years of imprisonment upon various offenders for speaking disrespectfully of the Emperor. Two hundred and twenty-two workmen's unions were dissolved, one hundred and twenty-seven newspapers, and two hundred and seventy-eight other publications were suppressed to stop the incoming tide of democratic feeling.

The Emperor himself threw his great prestige into the struggle, and, in his address to the strikers in Westphalia, on May 14, 1889, he boldly said, in the spirit of a Cromwell:

For to me every Social Democrat is synonymous with an enemy of the realm and of the Fatherland. Should I, therefore, discover that Social-Democratic tendencies become involved in the agitation and instigate unlawful opposition, I will step in sternly and ruthlessly and bring to bear all the power that I possess—and it is great.

Let us now see what the effects of these threats of the Emperor and his Chancellor were upon the Socialistic vote. Its growth can be measured by years:

The Liberation of the German People 91

1881	1893	1907	1912
312,000	1,787,000	3,259,000	4,238,919

Surely there is in such a people a democratic “saving remnant.”

I have already alluded to the economic argument with which I firmly believe the Allies can influence the democratization of Germany, after a complete victory is won on the field of battle. The immense importance of this trump card seems to be ignored by those who lightly disclaim the idea of an economic boycott. It may prove to be, as General Smuts has said, “the most important matter of all”; for, while an allied victory may temporarily bring about peace, *a consistent economic policy may make that peace durable.*

The German people are not in ignorance upon this point, as for four years they have felt the full force of the economic club. Germany has, during that time, been as truly besieged as Paris was in 1870-71. While her armies have had a certain freedom of movement and still largely remain on foreign soil, yet their movements are but as a tiger raging from one end of its cage to the other and beating its sharp claws against the iron bars of Great Britain’s naval power.

This was recognized by Dr. Walter Rathenau,

the Chairman of the Universal Electrical Company and a man in the closest touch with both the commercial and governing circles of Germany, who said in the course of a public lecture in December, 1915:

On the fourth of August of last year, when England declared war, a terrible and unprecedented thing happened: our country became a besieged fortress. Closed in by land and sea, it was thrown upon its own resources, and a prospect of war opened out before us boundless in time and expense, in danger and sacrifice.

Another distinguished German economist, Doctor Pudor, of Leipzig, who made an inventory of the supplies of iron ore, copper, and nickel for the German War Office, said, in an article in a German periodical:

We must face the fact that our apprehensions about shortage of raw material are well founded, both as regards our manufactures and our military requirements. We must realize that we are now living not only on the remains of our stocks of raw material, but even in large part on shoddy or resurrected materials; neither of these sources of supply can last for ever, and both will be practically exhausted at the end of the war.

In this respect, Germany's immense prosperity has carried with it a serious disadvantage. With

The Liberation of the German People 93

coal supplies comprising more than one-half of all the coal of Europe, and with supplies of iron ore greater than those of any other European nation, it is not strange that it became a great industrial nation, whose very existence vitally depends upon its ability to import raw materials, which it does not produce, and to find markets in foreign nations for the surplus products of its manufactories. Without these, the whole industrial system of Germany would collapse as a pack of cards.

Even if Germany could survive the collapse of its manufacturing industries, it would require large importations of food to feed its people, for even in this respect Germany does not enjoy the independence which the United States enjoys.

If no other or greater necessity were imposed upon her than to secure an adequate supply of raw materials from other countries, Germany would be subject to the collective will of civilization, if that will were imposed with a reasonable unanimity. How could her immense textile industries exist without cotton, wool, flax, hemp, and jute?

Leather, furs, and rubber are almost equally necessary, while her vast metallurgical industries would almost perish if they were unable to import

copper, tin, platinum, aluminium, nickel, and manganese.

How serious this has been from the very beginning can be shown by the fact that even in the first months of the war, Germany confiscated the brass matrices from which phonograph records were duplicated, and thus sacrificed the artistic achievements of great artists to obtain a few ounces of copper.

There is little reason to doubt that if Great Britain had been able to put into effect a complete blockade of Germany, the war would have ended long ago through the economic starvation of the German people. The author well remembers that a few weeks before the beginning of the war he read an address by a learned German economist, which had been reprinted in the London *Telegraph*. The economist proceeded to prove, with the most detailed statistics of all importations of raw materials and foodstuffs, that, if Germany were ever subjected to a complete blockade by sea, she could not survive more than two years.

The event did not falsify his prediction, for it is regrettably true that England, out of deference to neutral nations, and especially the United States, was not able to put into effect a complete

The Liberation of the German People 95

blockade for nearly three years, and as a result Germany obtained large quantities of raw materials and foodstuffs through neutral nations, especially those of Scandinavia.

The siege of Germany, however, no longer depends on the British Navy alone. As has been well said in a recent pamphlet,¹ the siege now rests "on the public policy of the overwhelming majority of the great trading and producing countries of the world." Dr. Zimmern proceeds to say with telling force:

What will happen in the normal course when peace is signed? The British Navy will retire to its peace-stations, its patrols will no longer stop and examine ships, and, so far as the action of armed forces is concerned, trade will resume its normal course. But will the cessation of the physical blockade of German harbours by itself involve the raising of the siege? Will it insure the restocking and revictualling of the Central Empires with the food, fodder, raw materials, and other supplies of which they are so much in need?

This is the question which is being anxiously asked not only by the directors of German policy but in every intelligent German household. When, and how, is Germany going to secure the cotton and wool, the leather and the rubber, the copper and other commodities which she needs for the health

¹ *The Economic Weapon in the War Against Germany*, by A. E. Zimmern.

of her population and for the resumption of her commercial and industrial life on its normal basis?

The German Government, like our own, has appointed a Minister of Reconstruction—or rather, to give him his correct bureaucratic title, an "Imperial Commissioner for Transition Economy." But reconstruction is no more than a name and a series of paper schemes until the siege has been effectively raised—till the authorities can assure themselves of a sufficiency of the essential supplies. Rapid demobilization, for instance, will be a matter of importance, not only for social and political reasons, but also in order to get the population back to productive work as soon as possible. But without raw materials there can be no industrial employment; and demobilization without employment ready to hand for the disbanded soldier spells social disorder.

As Doctor Dernburg said, in a very frank review of the post-war economic situation in a recent article, "even a partial period of unemployment would lead to disastrous manifestations, and for that reason demobilization will certainly extend over a long period, however irksome it may be to those with the colours."

The Allies in fact, not by their armed forces, but by their command of essential supplies, control the demobilization of the German army and therewith the whole process of German recuperation. Germany, who has so often declared that she entered the war to "safeguard her economic future," has in truth irretrievably compromised it. Instead of securing a position of economic independence such as she considers necessary to the dignity of a "World-Power,"

The Liberation of the German People 97

she is placed in a humiliating position of dependence on a world which she has antagonized. Her agents, open and disguised, are now scouring the markets of the world in the unpromising task of buying up supplies here and there in the hope of being able to ship them after the war. But almost everywhere they go they find opinion turned against them, and the old watchwords and inducements of "business is business" have lost much of their force. The German Government has indeed long since recognized, and allowed its publicists to proclaim, that it cannot face a peace which leaves Germany's present enemies free to adopt any policy they wish in the economic sphere. . . . Germany has conquered Belgium, Poland, Serbia, Lithuania, Courland, and Friuli. But the Allies have conquered cotton, wool, jute, leather, copper, and feeding-stuffs.

These facts are not open to serious controversy. The only question about which some may differ is how the mighty power should be used.

It has been somewhat prematurely said that no economic boycott after the treaty of peace shall be put into effect. This was President Wilson's statement; but he has so far modified it as to reserve the power in his proposed league of nations to impose the penalty of an economic boycott as an international police regulation. If the league of nations which may possibly be constituted after the war shall have the power in

lieu of armies and navies to enforce its will against a recalcitrant nation by the suspension of economic intercourse, why should not the allied nations now use the same weapon to compel Germany to submit to the just demands of the Allies, and, if this be so, why should not the power be directed to the attainment of any object which may be regarded as essential to a durable peace?

I cannot see that an economic boycott to bring Germany to its senses is less justifiable than by the destruction of its cities and towns by heavy artillery. Of the two, the economic boycott seems to be merciful by comparison.

It should be remembered, moreover, that Germany can only secure its raw materials from some of the very nations with which it is at war. It is largely dependent, for example, upon the United States for its supply of copper and cotton, without which its metallurgical and textile industries would greatly suffer and possibly be altogether destroyed.

Even assuming that it could obtain from other nations which are still neutral, the necessary raw materials, yet again the largest markets for its surplus products are to be found in the great consuming nations with which Germany is now at war. Without such a market for her surplus,

The Liberation of the German People 99

disaster would come to the manufacturing and mining industries of Germany.

Why should not the allied nations at the peace table use this potent weapon in order to democratize Germany and to separate the German States from Prussia?

Why should they not say to the German States which formed the historic "Confederation of the Rhine" that as long as they remain united with Prussia the allied nations, even though the war is ended, will neither sell to them nor buy of them?

Undoubtedly it is not an easy thing to make such a boycott completely effective; but it can easily be made sufficiently effective for the purpose intended, and the experience of the present war has shown that it is entirely practicable for the allied nations so to limit their sales to neutral countries as to prevent such neutral countries from reselling to Germany.

Is it likely that the German States, other than Prussia, would cling to Prussia, which has involved them in a fathomless abyss of ruin, and for which they have never had any real affection, if, to do so, involved them in immeasurable economic ruin?

Is it not more likely that these States would gladly separate from Prussia, if they were assured that they at least would not be cut off from

commercial intercourse and that the vast industrial establishments of Munich, Stuttgart, Baden, Frankfort, Nürnberg, Dresden, Leipzig, and Cologne would not perish for want of the needed raw material, which they can only obtain from their present enemies?

Even if the German States and these communities had a real affection for their Prussian master, it is evident, when the materialism of the average German of today is taken into account, that they would desert Prussia to secure commercial reciprocity with the rest of the world, as rats are said to desert a sinking ship.

It was for this reason that I said, in my first chapter of this book, that the reconstruction of Germany by the disintegration of the Prussian Empire was impossible in the event of a German victory, and practicable in the event of an allied victory. The power of the Allies to impose their will upon Germany, when its armies are finally defeated, is clear beyond question, and it only remains to see whether they will be sufficiently practical effectually to use the power to end forever the Prussian peril.

Let us now view the same question in the light of history, and we will see that, in separating

The Liberation of the German People 101

Prussia from the German States, we are not attempting to destroy a root which is deeply imbedded in the past or which has its origin in indestructible racial affiliations.

The Allies will simply attempt a task accomplished by Napoleon after Austerlitz; but in an altogether different spirit and with an equally different object and let us hope with more permanent and beneficial results.

In ending the fictitious Holy Roman Empire in 1806, the great Napoleon attempted to reconstitute Germany. Unfortunately, he disregarded its natural desire for unification, and altogether ignored the development of the democratic spirit. All that he then sought—most unwisely, as the event proved—was an alliance with a number of petty potentates of Germany, some of which, as those of Bavaria and Würtemburg, he elevated to the dignity of kings.

Thus he created the Confederation of the Rhine, comprising substantially all of present Germany, with the exception of Prussia, and assumed its leadership as its “protector.”

Had Napoleon at that time not sacrificed the fine ideals of the French Revolution, but had developed them, not only for France, but for the Confederation of the Rhine, the whole course of

modern history would have been different, for a republican Germany would have loathed Prussia, and, as the German States sided with Austria in the war of 1866 against Prussia, thus they would have sided with Napoleon, if he had not compromised the great ideal of freedom.

There was then no natural sympathy between these German States and Prussia, for Prussia was the most backward of the European nations, with the exception of Russia. Its peasants were mere serfs, as was the case in England in the time of the Tudors. It seems hardly credible, but is none the less an unquestioned fact, that a little more than a century ago, all Prussian peasants were obliged to work for their feudal lord and master three days of each week without compensation, and could neither marry nor possess property without the consent of the feudal lord.

With the fall of Napoleon, Europe was again reconstructed by short-sighted despots, who lacked both his genius and ability, in the infamous Congress of Vienna.

The Confederation of the Rhine still remained; but now, unfortunately, Prussia was added to it. The union of Germany was not that of the peoples, but of "the sovereign princes and free towns

The Liberation of the German People 103

of Germany," and the entire spirit of its rulers was reactionary.

In a few states, a constitution with a slight approach to a representative form of government was grudgingly granted; but in most of them, and especially in Prussia, the promises of a constitutional government, profusely made by the rulers in the times of the Napoleonic peril, were forgotten, and the peoples were again reduced to the state of political serfdom.

There was, however, at that time, a rising liberal and progressive party in Germany outside of Prussia. Its strongest influence was felt in the colleges and universities—a fact that the German of the present day can recall with shame when he remembers that the infamy of 1914 had its readiest sanction in the same colleges and universities. A century ago, however, they were the nurseries of that freedom which unfortunately was to be strangled in its very cradle.

In October of that year (1817), the students of Germany held a patriotic festival in the Wartburg to commemorate the Reformation and the Battle of Leipzig. An intellectual agitation for liberalism thus began and spread rapidly. The crusaders of freedom in opening their fight for liberty partook of the sacrament as the Knights of the Holy Grail.

The despots of the Holy Alliance, acting through the arch-reactionary, Metternich, the most sinister personality of the nineteenth century until the coming of Bismarck, determined to suppress it.

The representatives of the larger states were convened at Carlsbad, in August, 1819, by Metternich and a series of resolutions were passed for the purpose of strangling the democratic movement not only in Germany but all Europe. They provided that there should be a special official in each university to watch the professors. Should any of them be found abusing from the Metternich standpoint their influence over the youthful mind and preaching harmful doctrines hostile to the public order or subversive of the existing governmental institutions, the offenders were to be punished. The student unions were to be suppressed, and no newspaper, magazine or pamphlet could be printed without the approval of the government.

Had Germany at that time had any genius for revolt, the subsequent history of the world might have been written in less bloody characters; but the only result of the uprising at that time was the granting by Bavaria, Baden, Würtemberg, and Hesse of a constitutional government with some characteristics of liberalism.

The Liberation of the German People 105

Then came the storm year of 1848, when all Europe rocked with revolutionary uprisings.

In France, the second Republic was constituted, and the Bourbons finally deposed.

In Austria, the people rose against Metternich, who became a fugitive from the land that he had so long misruled.

Hungary and Bohemia were given constitutions with some guaranties of religious freedom, liberty of the press, and a fair measure of autonomy.

The uprising of the European nations against Metternich's Holy Alliance and the monarchical despotism that had followed the fall of Napoleon was also felt in Germany.

Even the King of Prussia, the most reactionary of all nations, except Russia, summoned an assembly to draw up a constitution for that nation, while in the other German States, a great national assembly was convoked at Frankfort to draft a constitution for Germany at large.

The recollection of that great assembly, whose labours lasted nearly a year, ought now to be revived in the minds of all the nations now engaged in war, for in a similar convention of free representatives of the German people lies the best hope of a reconstituted Germany.

This national assembly, consisting of nearly

six hundred representatives of the German people, met on May 18, 1848. It comprised some of her most eminent scholars, publicists, and patriots. It perfected its labours by developing a new constitution and then was guilty of the incongruity of offering to the King of Prussia the position of hereditary emperor under the new constitution.

With this fatal step, the unity of the Frankfort Congress was destroyed and its more radical members, who were unfortunately too few in number, then proceeded to agitate for the formation of a German republic.

It is an infinite pity that their labours were unsuccessful, for had they triumphed it is altogether probable that this world tragedy would have been averted. A democratic Germany would never have precipitated the present war.

The King of Prussia disdained to receive his crown from the free representatives of the people, and declined it.

The revolution of 1848 came to an inglorious end, with the result that some of the noble spirits of Germany, the "men of 1848," like Carl Schurz and others, came to America, and, like the intrepid Kent in *King Lear*, "shaped their old course in a country new."

Thus ended, for the time being, the attempt of the German people to take their heritage into their own hands, and thus began again the tyranny of the Hohenzollern.

What followed has already been briefly stated in the second chapter of this book.

As a substitute for democratic aspirations, the Hohenzollern monarchs inspired their people with a desire for military conquest. Thus, the German people sold their precious birth-right for a mess of pottage.

Austria's share in the German Confederation was destroyed in 1866, in the Seven Weeks' War, *and the true attitude of the German States to Prussia can be measured by the fact that nearly all the German States other than Prussia fought with Austria against their common enemy.*

Thus, little more than half a century ago, we find that the German States, when asked to elect between friendly affiliation with Austria or the dominance of Prussia, chose the former.

It may be admitted that it was not alone the military conquests of the Hohenzollerns that brought about the present Prussian Empire. Unquestionably, economic causes had also much to do with it. Even as the unity of the American Republic had been attained, not only by its written consti-

tution, but by its railroads and telegraph wires, so the Customs Union of Germany and the centripetal influence of commerce had undoubtedly unified the German people and made them mutually dependent.

But it is nevertheless true that there was not in Germany any real desire for an organized union with Prussia until all joined in the attack on France, and it was in the delirious days of that triumph over France, when the Prussian King was holding his court in the Gallery of Mirrors of Versailles, amid the roar of the cannon that were desolating the people of Paris, that it became possible to secure the assent of the German kings and princes to a more intimate union with Prussia under an empire, of which the Prussian King would be the hereditary emperor.

It is significant that even in this hour of hectic triumph the title was carefully worded. William is not the "Emperor of Germany" in the eyes of Germans; he is simply the "German Emperor"; and while this may seem to outsiders a distinction between tweedledum and tweedledee, yet to the Germans it is a distinction of weight and substance; for it refuses to recognize a complete unity of imperialism. The King of Prussia is the German Emperor by the selection of the other

The Liberation of the German People 109

Princes of Germany; but he is not the Emperor of Germany in the larger and more unified sense.

Since the fatal act, Germany has advanced with the stride of a seven-league giant in the path of industrial progress, and it is not surprising that her amazing prosperity has somewhat reconciled the people to the imperialistic ideal; and, yet, as I have already intimated, it is clear that the persistent growth of the socialistic vote in the teeth of the Kaiser's anathemas and of the government's sternly repressive measures indicates that the democratic spirit of Germany is not altogether crushed. It may be conceded that lacking pressure from without the German people could not successfully establish a democracy with their own strength, unless the returning soldiers should join in the revolt, which is not an impossibility.

But is it not probable that if the saving remnant of the German people, who are now in their hour of disaster, nauseated with German imperialism should receive encouragement and help from the allied nations, that Germany could be separated from Prussia and could become either a republic or a constitutional monarchy?

If the opportunity to accomplish this object, which the peace conference will unquestionably afford, is allowed to slip by on the theory that the

Allies should not attempt to control the internal government of Germany, then an invaluable opportunity will be lost and possibly lost forever.

It is surprising that this possibility has been so little discussed in the peace discussions of the last four years. It ought to be not merely one of the points but the principal point for the consideration and final action of the Allies. *Nothing more vitally concerns the permanent pacification of the world.*

The movement towards the reconstitution of Germany can be initiated if the allied nations, when Germany finally admits its defeat and submits to their terms, shall then say to the German States that the Allies will not discuss peace with any representative of Prussia or of the present Imperial Government.

To Prussia the peace will be "dictated" without parley or negotiation. The Allies could then notify the other German States to select representatives, with whom the Allies can confer as to the terms of peace, but only after a military "unconditional surrender."

As this necessarily means the destruction of the present Imperial Government, *the German States other than Prussia, could be invited to reconstitute the Congress of Frankfort.*

The Liberation of the German People 111

This would revive in their minds a glorious memory of their better days and go far to reconcile them to other sacrifices. It could be suggested to them that they shall be given a free and open opportunity to select by universal suffrage a provisional government, which shall determine the government that is best adapted to their needs and is not inconsistent with the welfare of the rest of the world, and that with their representatives the allied governments will formulate the terms of peace for the common welfare of mankind.

To this new German nation, the allied governments could, if it seemed wise, give less burdensome terms of peace than those reserved for Prussia, and upon compliance therewith could assure to the new government, not only protection against Prussian aggression, but a fair measure of commercial reciprocity with the rest of the world.

The allied nations should then impose upon Prussia such terms as a Court of Assize imposes upon a criminal, and in the same spirit. Even as to Prussia, when punitive measures are considered, a fair distinction can possibly be made between those classes who precipitated this war and the unfortunate masses who were its victims.

For example, it is said that the Emperor has sixty-eight castles and palaces in Germany. It

would be poetic justice if all were confiscated and after sale the proceeds devoted to the restoration of the Library at Louvain and the Cathedral at Rheims. The greatest punishment should in such ways be made to fall upon those who are chiefly responsible for that which I have already called the greatest crime since the crucifixion of Christ.

It will be difficult to distinguish with any satisfaction between the more guilty and the less guilty classes, and all must bear some portion of the punishment; for all are, in varying degrees, responsible for the crime.

In bringing about the reconstitution of the German nation, no nation can be more helpful than the United States, not merely because so large a portion of its citizenship is of German origin, or because it is so great an exponent of the democratic principle, but also because its political detachment, which even this war has not wholly destroyed, will give to its counsels to a reconstituted Germany especial weight and influence. It would not be unnatural that only the stress of a terrible situation would reconcile the German representatives to a reconstruction of their Government under the dictation of other European Powers.

Between the United States and Germany, how-

The Liberation of the German People 113

ever, there is no ancient enmity. Until the sinking of the *Lusitania*, there had been between the two nations an unbroken friendship. Notwithstanding any present irritation against the intervention of the United States, which has proved a determining factor of the stupendous struggle, it is probable that the representatives of Germany, especially if they were selected directly or indirectly by universal suffrage, would accept with better grace the good offices of the United States in the reconstruction of their nation than those of any other country.

Moreover, the economic ties between the two countries would give especial weight to the voice of the United States in this respect; for upon no nation is Germany more dependent for essential raw materials and for a market for its surplus products than the United States, which alone could blast the prosperity of the metallurgical and textile industries of Germany by withholding any supplies of copper and cotton.

These facts give peculiar importance to the attitude of the United States at the peace conference. It is significant that President Wilson in his address to Congress recommending to that body a declaration of war was careful to emphasize a distinction between the German Imperial Government and the German people. Against the

former, he recommended a declaration of war; against the latter, he disclaimed any desire to make war. While, as I have said, this distinction, as a matter of fact, has been somewhat overstated, yet wise statesmanship required that the President, in whom the initiative of the United States in the matter of peace negotiations rests, should recognize that some distinction does exist between the Imperial Government and the German people.

I venture to repeat what I said in this connection in my *The War and Humanity*, written in the spring of 1917:

The best spirit of Germany is not that of the Hohenzollerns or of the Junkers, but of the quiet, patient, long-suffering German Michel, whose worst fault is the extreme to which he carries the docility of discipline, his excessive love of authority, and the avidity with which he accepts all that a censored press tells him. A censorship of the press has stifled for three years the voice of the nobler Germany, but that voice, silenced as it may be when a Liebknecht is imprisoned, will yet be heard. The land of Goethe and Schiller, Bach and Beethoven, Dürer and Holbein, Humboldt and Lessing, is not dead. It is only for the moment gagged and stifled. The cry of the German people is that of the dying Goethe: "More light!" When they recognize, as they must at no distant date, that there can be no peace for them and no resumption of friendly relations with the rest of the world

until they have rid themselves of the incubus of Hohenzollernism, then will come in very truth the reckoning.

Even a governmental press—next to the Hohenzollerns the greatest curse of Germany—cannot silence the mutterings of the coming storm in that land of horrors. The Russian convulsion will find its reflex in a land where the greatest political party in numbers, the so-called Socialists, stand for democratic ideals, and bravely, and under the most trying conditions, represent the opposition to Prussian tyranny.

The hand of the crippled cobbler of Zabern will yet be mightier than that of the Crown Prince.

As Longfellow sang of Germany many years ago:

“Not thy councils, not thy Kaisers,
Win for thee the world’s regard,
But thy painter, Albrecht Dürer,
And Hans Sachs, thy cobbler-bard.”

When President Wilson committed his great nation to the ordeal of battle, he nobly proclaimed the war as one for the liberation of the German people, for he eloquently called upon his countrymen

to fight thus for the ultimate peace of the world and for the liberation of its peoples, *the German peoples included*; for the right of nations, great and small, and the privilege of men everywhere to choose their way of life and of obedience. *The world must be made safe for democracy.*

Since this declaration, President Wilson has at various times stated formulas of peace; but he has never again concretely broached the subject of a reconstitution of the German Empire. He has, however, repeatedly and with tremendous emphasis dwelt upon the fact that no peace can be concluded with the Imperial Government, as its word can no longer be accepted for any statement or promise. Thus he has said that no covenant of peace is possible with the "Thing," as he, with just contempt, characterizes the Imperial Government. In his first war address he suggested the exclusion of the present German Empire from the League of Nations when he declared that

A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. It must be a league of honour, a partnership of nations.

This declaration is as noble as it is wise.

While he has not in his statement of concrete terms directly referred to the reconstruction of Germany and has never in fact suggested the separation of Prussia from the other German States, yet such a course is but the logical conclusion from his premise that the "Thing," meaning Prussian

despotism, is so outlawed that no peace by ordinary parley and negotiation is possible with it.

As the responsible head of a great government, it is probably wise that he does not suggest this conclusion in any more concrete way at this time; for, while individuals may and should discuss the terms of peace and thus help to form an enlightened public opinion, which will sustain their Government in any righteous policy at the peace conference, yet responsible statesmen may well postpone a concrete statement of all their terms until the full extent of the victory is first ascertained and their ability completely or partially to impose any terms is realized.

In his most recent speech, the President has again recurred to his emphatic statement that no peace can be negotiated with the present Government of Germany, and he has declared war upon the imperial despotism by the emphatic statement that this war cannot be ended until it is no longer within the power of any military despotism, as that of Prussia, to impose at its capricious will the burden of war either upon its own people or any other people.

This vigorous statement encourages the hope that, at the peace conference, the President and his representatives will attempt the elimination of

Prussia from the councils of Germany; for, as I have already said, it will not be enough simply to eliminate the House of Hohenzollern. As long as Prussia is dominant in the councils of Germany, its one industry, as Mirabeau said over a century ago, will be war. It matters not what the form of government is, as long as the Junkers and the Potsdam militarists control the destinies of Prussia.

If the Kaiser and his dynasty were deposed tomorrow and if the Empire became a republic in name, and Prussia still remained the dominant State of Germany, with a Hindenburg, a Ludendorff, or a Von Tirpitz as its executive head, it would still remain a menace to the peace and welfare of the world.

President Wilson goes to the root of the evil when he proclaims his purpose and that of his nation to put it beyond the power of Prussia again to plunge the world into such a catastrophe. While he has wisely refrained from pursuing his argument from the abstract proposition that no military power should have the ability to impose war at will upon the world to the concrete conclusion that the power of Prussia must be destroyed in the councils of Germany, yet the latter is a logical result to which, at a fitting time, it may be hoped that he will give due expression.

The Liberation of the German People 119

One word from the United States and the great expiation will be accomplished and Prussia will be reduced to a petty principality. No one can question that France would support such an attempt, and the support of Great Britain is equally probable. These three nations can and will dictate the terms of peace. The work should be a complete one; nothing should be left for future regrets. Let them put the axe to the very root of the great evil that now endangers the world by destroying the Prussian despotism, root and branch.

When that is done, civilization will again flower as the fair garden that it once was.

CHAPTER V

THE WORLD DRAMA

SOME of my readers, especially those who believe only in the *realpolitik*, may take exception to the reasoning of my argument, on the ground that it is too imaginary, sentimental, and dramatic for practical statecraft. It may be suggested that nations cannot, except as a figure of speech, be regarded as human personalities and credited with human emotions, obligations, and rights. It may be suggested that nations are the aggregate of vast impersonal forces which move somewhat as the blind forces of nature and which are equally remote from those moral and human considerations that define the duties and control the destinies of a human being.

This was the fundamental error of Germany. It was the *realpolitik* of Bismarck that corrupted a nation, which in the great days of the war for liberation, had been a nation of humanitarianism and sentiment. The Iron Chancellor, in the most

famous speech of his life, in 1863, denounced all sentimentality in politics. To him, democracy was a "blubbering sentimentality" and he found "Prussia's honour in Prussia's abstinence from every shameful union with democracy." The reasonings of morality had in his mind no application whatever to the duties of practical statecraft. The rights of the people were equally irrelevant. "Not by speeches and majority votes are the great questions of the day decided—that was the great blunder of 1848–49—but by blood and iron."

This was his most notable declaration. No one except Frederick the Base ever so deeply impressed upon his nation this policy of avowed and shameless immorality as did Bismarck. Except on occasion, he did not even pay to virtue the tribute of hypocrisy. He avowed with a certain exultance his betrayal of his own king in garbling and perverting the Ems dispatch, and this shameless cynicism so corrupted the intellectuals of Germany that Dr. Delbrück, who was not only a scholar but a philosopher, said: "Blessed be the hand that forged the telegram of Ems."

Probably no single instance in Bismarck's career exemplified his Machiavellian policy more than his treatment of his ally and confederate, Austria, in the matter of Schleswig-Holstein. For centuries,

these two duchies had been united with Denmark, and her title to them was as clear as the title of any country to a territorial possession. Although Prussia was far more powerful than Denmark, Bismarck, playing the part of a ruthless bully, determined to secure the co-operation of Austria in robbing Denmark of the two duchies, and then determined to rob Austria of her share of the spoils.

The two robber nations made war upon Denmark, and naturally won an easy victory. Then they quarreled over the spoils, just as the two giants in the *Ring of the Nibelungen*, *Fafner* and *Fasolt*, quarreled about the price which was paid to them for constructing Valhalla.

As soon as the two duchies were detached from Denmark, Bismarck picked a quarrel with Austria, and in seven weeks crushed that nation at Sadowa, although, as has been previously stated, Austria had in that warfare the support of nearly every German State, with the exception of Prussia. Prussia then proceeded, not merely to rob her confederate of any share of the Danish duchies but to annex the Kingdom of Hanover, the Duchies of Nassau and Hesse-Cassel, and the free city of Frankfort.

Here was practical politics, and if it be said that any theory as to the rule of justice or of the higher

law in the affairs of men is but an illusion, then it was for a time justified on the theory that "nothing succeeds like success."

The rest of the world has a different theory of international life. Other nations believe, in varying degrees, that the morality of nations is that of individuals and that the moral problems of the one are not essentially dissimilar to the moral problems of the other. The world war is, in its last analysis, the clash between these two ideals.

It is true that, in a sense, a nation is the composite of all the human beings who form its living citizenship and that, in that sense, the moral life of a nation may suggest problems of a more complex character than that of an individual.

Each nation has two personalities,—the one, the aggregate of its living citizenship; the other, the aggregate of its institutional history.

The former gives it a fleeting and changing personality; the latter, a very potent and permanent character.

Take the United States, for example. America is, in one sense, the aggregate of its living citizenship. As such, it is cosmopolitan above every other nation. In its veins is the blood of nearly all branches of the Aryan races.

But as an historic entity America has a some-

what different personality, which is the result of its institutional history. This America began with the landing of the first Anglo-Saxons on American shores, developed throughout its colonial history, attained its manhood in the War of Independence, and, finally, was welded into a unified national life in the Civil War.

While the America which represents the aggregate of its living citizenship is the child of the white race, institutionally America is peculiarly the child of England and France.

To France, as to a mother, it owes its emotions, sensibilities, and idealism.

To England, as a father, it owes its stable institutions and genius for constructive statecraft.

A dividing line could almost be drawn between the personalities and institutions of our history which owe their inspiration to English influences, on the one hand, and to French influences, on the other. Thus, the Declaration of Independence was French in its idealism; its noble preamble is but an echo of Montesquieu, Rousseau, and Voltaire. Jefferson and Paine were French in spirit.

The Constitution of the United States, on the other hand, is peculiarly English in its inspiration. It is an avowed adaptation of the British constitution to the colonial life of America, and those who

were most concerned in its workmanship—Washington, Franklin, Hamilton, and Madison—were peculiarly English in their mental characteristics.

At a time when American soldiers are fighting side by side with those of Great Britain and France, it is an inspiring ideal that institutional America is the child of an English father and a French mother, and no nation could have a better parentage.

This dual personality is true of every nation; for the personality that is the result of the living citizenship is affected by the time through which it passes, while the personality that is the result of historical institutions and achievements has its roots in a remote past and is the thing not of today, but of the past and the future.

Each nation has thus an historic personality, and this personality is an obvious and potent factor in the problems of every succeeding generation.

Thus, when the peace conference shall meet to determine, probably for a century to come, the future destinies of the world, something more than the representatives of existing governments and living peoples will sit at the table. Historic nations, which have endured through centuries and have gained through the ages distinct per-

sonalities, will sit at the table and demand a right to be heard.

The representatives of the present government of Great Britain will be there; but also the British Empire, which, like another Atlas, has supported the destinies of a liberal civilization upon its shoulders for a thousand years. Shakespeare, Milton, Hampden, Locke, Scott, Wilberforce, will sit at the table in spirit, as well as the representatives of Lloyd George in person.

The representatives of the French Republic will be there; but also that Paladin of the nations, chivalrous France, the France of Art, of literature, of poetry, and romance.

The American diplomats will attend as the representatives of its government of the day; but historical America will be there, and her institutions, beginning with the compact of the *Mayflower* to the latest expression of President Wilson, will have a potent voice in reconstructing the foundations of a distracted civilization. The Conference will feel the mighty influence of Washington, Franklin, Jefferson, Hamilton, and Lincoln.

It may be well to consider briefly these historical personalities, which, apart from the representatives of the governments of the day, will attend the conference and shape its conclusions.

We shall never thoroughly understand the causes of the war unless we understand the psychology of the historic entities that will participate in it. And what is of more practical moment, we shall never understand the ultimate and almost insoluble problems of peace, whereby a safe and stable condition of society shall be in some way reconstructed, unless we understand the psychology of the nations that will control the destinies of mankind.

The psychology of the leading belligerent nations is a very broad theme. Volumes could be written and the surface barely scratched. For the purposes of this thesis, I can best convey my meaning by resorting to a literary analogy, for analogy occupies to literature the same relation that a moving picture does to the drama. The influence of the moving picture is that it gives the maximum of mental impression with a minimum of mental effort, and similarly in literature the use of analogy is that we visualize by some metaphor some abstract truth we try to convey.

The personality of the nations that will sit at the peace table can possibly be best visualized by comparing them to the characters of the most profound tragedy that the genius of man has yet given to the world. I refer to the play of *Hamlet*, that

marvellous tragedy in which the deepest thoughts of the myriad-minded Shakespeare found their truest expression; a play that has been the riddle of literature and the Sphinx of the stage for over three centuries. No play has ever more profoundly impressed the human mind. Nightly throughout the civilized world the curtain rises somewhere upon the moonlit battlements of Elsinore; not an hour passes in all the flight of time but men of deep spirit find themselves, through the genius of Shakespeare, communing in spirit with the melancholy soul of that mysterious dreamer.

To quote the most eminent Shakesperian commentator of our time, Horace Howard Furness:

No one of mortal mold, "save Him whose blessed feet were nailed for our advantage to the bitter cross," ever trod this earth commanding such absorbing interest as this mere Hamlet, this mere creation of a poet's brain. No syllable that he whispers, no word let fall by any one near him, but is caught and pondered as no others have been, except of Holy Writ. Upon no throne built by mortal hands has ever been "put so fierce a light" as upon the airy fabric reared at Elsinore.

While Shakespeare did not himself pretend to be a psychologist; while he never wrote in form one-thousandth part of what Professor von Munsterberg wrote on the subject of psychology,

yet it was his custom to take a play and represent a human quality in excessive development under a given set of circumstances. In his profoundly interesting clinic of the great passions of the human soul, Shakespeare in a few words and with marvellous dashes of his brush portrays great elemental emotions, like jealousy, ambition, pride.

He was so great a master of analogy that judges and lawyers have claimed that he must have been a lawyer from the innumerable references in his plays and even in his love sonnets to legal phrases.

Physicians in turn have claimed him as one of their own by reason of his many remarkable allusions to their science, notably that passage in *Hamlet*, in which he seems to have anticipated Harvey's discovery of the circulation of the blood.

The analogies which he used most frequently were drawn from his own profession and from his own craft. He made over four hundred allusions by way of metaphor to the stage and the theatre, and the most familiar are those in which he likened the world to a stage. He illustrated it in one of his famous sentences, when he said,

“All the world’s a stage,
And all the men and women merely players.”

Again, in *As You Like It*, he wrote of

"This wide and universal theatre
Presents more woeful pageants than the scene
Wherein we play in."

He speaks of kingdoms being merely acts and of kings being actors, and that the argument that runs through History is as the plot of a play. His selection of so many historical subjects for his plays evidences his belief in the dramatic character of history.

If he were alive today he would say that Time, that greatest of dramatists, never put upon the stage of "this wide and universal theatre of man" such a stupendous tragedy as that which is being now enacted.

If, therefore, from the master's clinic in psychology I can take one play and present the tragedy of the world by analogy, I will be able by mere suggestion of character, drawn by the master portrayer of character, to convey my meaning better than by abstract reasoning.

To many, the most obvious Shakespearian analogy to the world tragedy would be that play of volcanic violence, *Macbeth*. One could trace the whole history of modern Germany in Macbeth's subtle disintegration of character, due to the poison of ambition which the witches injected into his veins. "Thane of Glamis," "Thane of Cawdor,"

"king that shall be," was their satanic promise, and this ambition, which truly "o'erleaped itself," drove the guilty Thane from crime to crime and from atrocity to atrocity. Macbeth pressed on through a sea of blood under the false spell of the witches's promise that if he would "be bloody, bold and resolute," he could

"—laugh to scorn
The power of man, for none of woman born
Shall harm Macbeth."

Such has been Prussia's brutal faith in its own invincibility.

At the present moment, however, Prussia is the Macbeth of the fifth act, with its back to the wall and crying in desperation,

"Blow wind, come wrack;
At least we'll die with harness on our back."

But the other characters of *Macbeth* do not lend themselves to a more comprehensive analogy, as does the play of *Hamlet*, and I prefer to take the latter play and develop as briefly as space permits the curious analogy between the leading belligerent nations and the characters of *Hamlet*.

First let us take the argument of the play. There was a great king of Denmark,—wise, noble, beneficent—and thus beloved by his sub-

jects. He had a brother, a man powerful in ability, great in resources, clear in intellect, sagacious in reasoning, but dominated by an unconscionable ambition. This brother determined, not merely to seduce the wife of the king, but also to seize his throne. When the good king of Denmark was sleeping in the garden of an afternoon, his brother crept upon him and poured the "cursed juice of hebenon" into his ear and killed him.

Denmark was an elective monarchy; but presumptively the son of the king was entitled to succeed. The king had a son, a very noble youth who, at the time of the murder, was a student in the University of Wittenberg.

It would be interesting, in passing, to discuss, if only as a literary curiosity, why Shakespeare matriculated his young prince at Wittenberg,—a problem that has always had a fascination for the author. It was not an accident, because the poet refers in four different places to Wittenberg, and it may have been with much significance that he made King Claudius say:

"For your intent
In going back to school in Wittenberg,
It is most retrograde to our desire."

The selection of Wittenberg is the more remarkable as it involved one of those gross anachronisms

which Shakespeare the poet, and not the pedant, always laughed to scorn; for Wittenberg was only founded in the beginning of the sixteenth century, while the time of the play of *Hamlet* was supposed to be that of the dark ages.

To send his mediæval prince to Wittenberg was as much of an anachronism as though a playwright today were to write a tragedy based on the career of Christopher Columbus, and, in the first act, represent the great discoverer as an undergraduate of Harvard. Shakespeare, in a bold spirit of anachronism, generally synchronized any play that he wrote with his own time, and therefore the question remains why he should have sent Hamlet to Wittenberg, the newest of the European universities, rather than to Oxford or Cambridge, or the University of Copenhagen, which was geographically nearer to Elsinore.

Possibly the explanation may be that Wittenberg was founded in a great transition period in the theory of education. Before that time, education was still in the hands of the schoolmen, who only spoke and wrote in a barbarous form of Latin and whose ideas were so inconceivably narrow, and even absurd, that they could waste their time on the well-known controversy between the "Nominalists" and the "Realists";

the one contending that the abstract conception of a horse, for example, meant only the characteristics of a single horse, and the other that it meant all the characteristics of all the horses that had ever been; and over that question the schoolmen of Europe bitterly divided in the centuries that preceded the beginning of the sixteenth, just as the ecclesiastics consumed their time in quarrels as to how many angels could be balanced on the point of a pin, or whether a mouse, which by any chance ate a crumb from the communion wafer would, as a result, be saved or damned.

Wittenberg started to break away from these traditions of metaphysical nonsense. It attempted to adapt its theory of education to the practical uses of everyday life, and, as a result, Wittenberg, at the time when Shakespeare wrote *Hamlet*, was among the most liberal of European universities. Giordano Bruno had found a welcome there, and its spirit was that of Erasmus and Luther.

It is the merest conjecture that, on that account, Shakespeare selected Wittenberg as the place of education for the favourite child of his fancy. In this, he may have been actuated by no greater consideration than that Wittenberg was one of the Northern universities, and therefore nearer to Denmark, or it may have been due to the fact that

Marlowe's *Faustus*, which had shortly preceded *Hamlet* and was a favourite of the London stage, also had reference to Wittenberg.

This literary problem is quite irrelevant to my thesis. For its purpose, it is enough to say that young Hamlet is summoned from his books at Wittenberg by the news of his father's death, and upon him devolves the duty of searching out the reason for the strange murder and of succeeding to the throne of his father.

On his arrival at the court, he finds that even the learning of a university does not avail to equip a man against the cunning intrigue of a Machiavellian politician, and, although Hamlet "was loved by the distracted multitude" and had the voice of Denmark for the succession, he is outwitted in his advancement by the hated uncle, whom he suspects as being responsible for his father's sudden death.

In weak dejection of spirit, he determines to abandon his ambition and return to his speculative studies at Wittenberg; but is roused from this weak resolve by his father's ghost. The solemn mission is laid upon him to avenge his father's murder and regain his throne. Instead of taking up the task with a brave and resolute spirit, he cries in weak dejection of spirit:

"The time is out of joint, oh, cursed spite,
That ever I was born to set it right."

He writhes and agonizes in the performance of his duty, and for many months and perhaps years (for the chronology of the play is by no means clear), he lets go by "the important acting of the dread command," and, while on the spur of the moment, he finally does, with great courage and vigour, avenge his father, yet it is at the unnecessary sacrifice of his own life.

Such is the familiar story, far better known to the world than many of the greatest facts of history, and only now briefly summarized in order that the analogy which I have in mind can be better stated.

Let us take the characters and see how striking the analogy is.

Obviously, the usurping king of Denmark is Prussia. It was Prussia who, in July, 1914, found the whole world sleeping in the garden of civilization on an afternoon. Never was there seemingly greater promise of fraternity and peace between nations. It was a period when two great conventions had been held at The Hague, in which forty-four sovereign nations had participated, and in which there was seemingly a greater spirit of fraternity between men than ever before.

And yet at that moment, when the sun of universal peace seemed to beam upon the earth and hold it in its fructifying rays, Prussia crept on sleeping civilization and poured the "juice of cursed hebenon" into its channels and alleys.

We now know with certainty from the famous memorandum of Prince Lichnowsky that, as early as July 5, 1914, when Prussia had assured the world of its pacific intentions and had disclaimed any intention of interfering in the quarrel between Austria and Serbia, when the world was in ignorance that its peace was to be torpedoed by submarine diplomacy, the masters of Potsdam had worked out in infinite detail this most brutal and treacherous plot against the peace of the world, which has already cost the loss of ten million men, women, and children. When in recorded history was there ever such a slaughter of the innocents? Oh, "the pity of it!"

Please observe that Shakespeare did not make his wicked king altogether bad. He never drew but one character that was wholly evil, and that was Iago. The ambitious Claudius had some compunctions of conscience. He had grace enough to fall upon his knees and exclaim:

"O, my offense is rank, it smells to heaven;
It hath the primal eldest curse upon 't,
A brother's murther! Pray can I not."

He recognized that as long as he retained the spoils of his crime it was useless for him to ask forgiveness or to pray to heaven for mercy. Therefore, he rises from his knees with the words:

"My words fly up, my thoughts remain below;
Words without thoughts never to heaven go."

I have no doubt that Prussia has had even in its hours of temporary triumph a gnawing remorse in its soul. It is that which led the emperor to say, "God knows, I did not will it." God knows he did will it. But if we could look into the very heart of the Potsdam masters, who have perpetrated this greatest crime since the crucifixion of Christ, we should probably find that no victory could reconcile them to the stupendous fact that the verdict of the world has put the brand of Cain upon Germany's brow.

Even in the darkest hours of March, 1918, when the Allies faced a possible defeat, they had triumphed, because the conscience of mankind had rendered an irrevocable verdict, and just as moral values have precedence over physical values, even a victorious Prussia would have been as that condemned man, referred to in the New Testament,

who cried: "Who will save me from the body of this death?"

That will be Prussia's cry of remorse at the bar of history for generations and generations to come.

If Prussia is Claudius, wicked, unconscionable, yet not wholly without remorse, who is Queen Gertrude in this stupendous world tragedy? It is Germany, as distinguished from Prussia.

I have already discussed (*ante*, pp. 53 to 87) the distinction that should be drawn between Prussia and the rest of Germany, and especially between the Imperial Government and the German people. That distinction can be illustrated by considering the comparative guilt of Claudius (Prussia) and Gertrude (Germany). In the original sources of the story from which Shakespeare got his materials, the queen was represented as a full accomplice in the murder.

But Shakespeare softened his study of the queen by making her more weakly complacent than actively vicious. How poignantly pathetic are the words of the ghost:

"But, howsoever thou pursuest this act,
Taint not thy mind, nor let thy soul contrive
Against thy mother aught: leave her to heaven,
And to those thorns that in her bosom lodge,
To prick and sting her."

And again, in the bedroom scene, when he says to Hamlet:

"But, look, amazement on thy mother sits.
O, step between her and her fighting soul."

The queen, weak, sentimental, and self-indulgent as she is, has a more saving grace than her guilty husband. She could look into her very soul and see black and grained spots, and could say to her noble son:

"O, Hamlet, thou hast cleft my heart in twain."

Well might Hamlet say to her, just as the world, more in sorrow than in anger, may one day say to the older, nobler Germany, in divorcing her from Prussia:

"O, throw away the worser part of it,
And live the purer with the other half."

Who, then, is Laertes? Laertes acted upon his passionate impulses. His passions urged a certain course, and then with wings as swift as meditation he swept on to his revenge. It was that same spirit of hot and selfish impulsiveness that made him a pliable tool of the wicked king and made him a party to the treacherous and indefensible stratagem of the poisoned foils whereby he fell.

Laertes is Austria. When the whole history of

this war comes to be written, what a pitiful object Austria will be. Austria at first refused to discuss the question of Serbia with Russia and Europe, but when it saw that Russia would not yield, Austria, on July 31, 1914, seeing that Germany was driving it into an abyss of disaster, suddenly of its own accord announced that it would take up the matter of the disputed issue and discuss it with Russia, and then within a few hours, to defeat any pacific solution of the matter, the conspirators of Potsdam sent an ultimatum to Russia which no respecting sovereign nation could possibly accept. Austria then again yielded to its guilty partner in this stupendous crime. Austria, like Laertes, has been the tool of the master, Prussia, and like Laertes, it has perished from its own poisoned foil. It has become merely a vassal state. The proud prestige of the Hapsburgs is gone forever, and even before the end of the war its doom as an independent nation is sealed.

Well can Austria say with Laertes:

“Why, as a woodcock to mine own springe,
I am justly kill’d with mine own treachery,”

And again:

“lo, here I lie,
Never to rise again.”

What a beautiful touch is in the last act when Hamlet is told by Laertes of the miserable stratagem of the poisoned foil. While Hamlet could not forgive, he yet says: "Heaven make thee free of it."

Rosencrantz and Guildenstern, whom Hamlet would as soon trust as "adders fanged," are obviously Bulgaria and Turkey.

Polonius was a precise old formalist, once a very able statesman, but unfortunately his brain had ossified into maxims and phrases. Although he discoursed most wisely, it was of the graphophone type of wisdom. He could give advice to Laertes or to Hamlet, but each line was a record of memory and not of creative impulse. The Polonius of this world tragedy is Russia.

In the summer of 1916, I was on the battle front in France. I had at different times the honour of meeting General Joffre and Sir Douglas Haig. Each of them was confident that the spring of 1917 would see a conclusive victory for the Allies. General Joffre said to me, "How soon are you returning to America?" I replied, "In a few weeks." He said, "Come back in twelve months and the war will be over." Their confidence was fully justified. They knew they had on the Western Front more airplanes, more artillery, better

men, and more men than Germany could possibly put into the field. They knew that the wealth of Great Britain and France had been poured into Russia to equip her teeming millions. They had reason to expect a converging pressure like two blades of a pair of scissors, for the Germans could not hold back the millions on the Eastern Front, if she were giving her strength on the Western Front, and vice versa.

What happened? There crept into Russia those wise maxims and phrases that were the undoing of Polonius. It was "peace without annexation and indemnities," etc. All these specious phrases ran through the veins of Russia as poison, and this mighty Colossus of the north crumbled as no nation ever crumbled.

That great power collapsed under the insidious disease of a bastard Pacifism. Like Polonius behind the curtain, Russia lies slain.

One of the marvellous arts of Shakespeare is the fact that he can take a minor character and like a skilful artist, with a few sweeps of the brush, hold the mirror up to nature. In Horatio, Shakespeare represents one of his noblest characters. With the temperamental, emotional vacillation and irresolution of Hamlet, he contrasts the well-poised, serene, steadfast soul, Horatio, always

true to his ideals, loyal to his friends even unto death, and with a clarity of vision, keenness of insight, and a moral poise that made him the noblest character in the play. In the scene that precedes the play within the play, Hamlet himself describes Horatio,

“As one, in suffering all, that suffers nothing,
A man that fortune’s buffets and rewards
Has ta’en with equal thanks; and blessed are those
Whose blood and judgment are so well commingled
That they are not a pipe for Fortune’s finger
To sound what stop she please.”

In this world tragedy Horatio is France. It was this spirit of the Gallic cock that triumphed at the Marne, the Meuse, the Aisne, and Yser and will yet enter Berlin in triumph.

France has “fought the good fight” and has “kept the faith” and she shall have her reward in the fullness of time. The night has been long and the way hard but the sons of France will yet march down the Unter den Linden to the inspiring strains of the *Marseillaise* and will stack their victorious arms in triumph under that balcony of the Royal Palace from which the Kaiser preached this accursed war.

But whether this shall happen or not, all the forces of chemistry and all the powers of hell can-

not alter the moral triumph which France now enjoys and the moral defeat of her adversary. All nations now respect France as a true Paladin, and all nations, except her adversaries, love her with a tender affection, such as no nation has ever before inspired in equal measure. This is her truest recompense.

It is not enough that France should have only a moral triumph. Her faith, which has literally removed mountains, must not be in vain or lack fitting recompense. She has given the lives of over a million of her sons for the cause of liberty and justice and a material triumph is a sacred duty which civilization owes alike to her dead and to her unborn.

Even now we vaguely and imperfectly appreciate the nature of France's contribution to the present saving of liberty and justice. We think of her as having for nearly four years poured out her life and treasure like water for the welfare of humanity, but we forget that her martyrdom commenced nearly fifty years ago.

Then she was crushed to the ground by her present enemy, who had deliberately picked a quarrel with her. She bravely struggled on in an unequal contest until her women and children were living on the dogs that ran in the streets and

even the rats that infested the sewers. Human endurance could go no farther and France surrendered. A ruthless conqueror imposed with an unyielding spirit harsh and brutal terms of peace. In vain her great statesman, M. Thiers, went from court to court and implored the other nations of Europe to intervene to save France. All turned a deaf ear to her pitiful cry.

The stricken gladiator struggled to his feet, and a long and humiliating martyrdom followed. With infinite self-sacrifice, every man, woman, and child yielding something of the comforts of life in submitting to terrible burdens of taxation, the army of France was rebuilt. Always upon the statue of Strassburg in the Place de la Concorde were the mourning wreaths which showed that France would never forget the children who had been torn from her knees. Painfully she struggled on for more than forty years.

The struggle was an unequal one. Germany with greater wealth and larger population, and for a long time with stronger alliances, easily outdistanced its victim in men and equipments. The gap steadily widened; but still France armed herself to save civilization, until military service was universal and every young man of France was obligated to give three years to the army. Of every

ten young men, eight actually served with the colors. What nation could show such a record of service?

What a volume of apology the world owes to France when it is remembered how little her sacrifice was appreciated during this period of tragic suffering.

For many years we have seen the *poilu* with his baggy red trousers and lengthy blue coat marching through Paris and as we contrasted these soldiers of France with the finished product of the Prussian military machine, the world felt that when the next essay of strength should come France would be quickly overwhelmed.

I never heard but one opinion expressed to the contrary. During the Moroccan crisis of 1911, I spent a week-end with Lord Northcliffe at his country place in England and we discussed the coming of the war, which to both of us seemed inevitable. I expressed my grave doubt whether France could possibly withstand the terrific impact of the Prussian military machine, and Lord Northcliffe said to me that when the war came Germany would have a most unwelcome surprise; for while she could outnumber France with her teeming population, yet the genius of her adversary had fashioned a gun to which no product of Essen was

comparable in smooth efficiency. It was the wonderful "Seventy-five," which, with the valour of the *poilu* and the genius of Joffre and Foch, saved France when the hour of trial arrived.

We all know now that the world has misjudged France. We thought of her as of the wine distilled from her vineyards, that her character was effervescent, volatile, the bubbles of frivolity ever floating to the surface.

When I was at Rheims and the shells were falling into the city every five minutes, I saw beyond the gates the vineyards of the Champagne district. There were no men to care for them, for the men of Champagne were in the trenches. These smiling vineyards, which seemed to cultivate every inch of ground as far as the eye could reach, were cared for by the women and children of France, and the champagne which will be distilled from the crops thus grown will represent to thoughtful man the tears and sweat of a most heroic womanhood. And yet our Anglo-Saxon world had superficially regarded these women of France as the incarnation of frivolity!

For nearly fifty years, the men and women of France toiled and sacrificed in order to prepare for the day which they well knew would come.

When the hour came, France never hesitated.

She knew that the chances were as ten to one against her. She could not then know certainly that England would become her ally. She had only too good reason to fear from past experience that her one certain ally, Russia, would not be faithful to the end. She faced an alliance whose people and armies outnumbered her nearly four to one, and yet she never hesitated.

When Germany and Austria ruthlessly condemned Serbia to death, France at once took up the challenge. As her eloquent Prime Minister, Viviani, said in the Chamber of Deputies, "We have been without reproach and we shall be without fear."

The words were well chosen. France was never more truly her knightly Bayard, "*sans peur et sans reproche*," as on the third day of August, 1914.

The infinite hazard that she took is not merely measured by the immense disparity between her military effectives and those of her enemies, but, on account of grave political considerations, she could not mobilize her armies as swiftly as Germany, and thus when she went forth to battle she was at first outnumbered three to one.

A series of terrible reverses followed. Morhange, Mülhausen, Dinant, Longwy, and Charleroi, until the French line was compelled to retreat to the

banks of the Marne. Then followed the greatest battle in its dimensions and consequences that the world has ever known. The battle front was more than two hundred miles. The armed forces were two and a half million men, of whom the enemy numbered one million and a half.

There followed simultaneously over this gigantic front six great battles, any one of which was greater in dimensions than Austerlitz, Waterloo, Sadowa, or Gettysburg. It was Manoury, and Sir John French, with his brave contingent of British soldiers, who fought Von Kluck on the Ourcq. It was D'Espery who flung his men upon Von Bülow and defeated him at Montmirail. In the centre, it was Foch who first held the ground and later broke the Saxons under Von Hausen and the Prussian Guard. It was De Cary who confused the Prince of Würtemberg. It was Sarrail who discomfited the Crown Prince. Last, but not least, it was Castelnau who, with one hundred and twenty thousand men, defeated in the Battle of Nancy, the true beginning of the Miracle of the Marne, over three hundred thousand Bavarians and Brandenburgers under the direction of the Kaiser.

Each of these battles was as great as Sedan,

and in each France triumphed. When the morning of the tenth of September came the mightiest and strongest army that the world at that time had ever known had been flung back fifty miles to the Aisne.

No greater achievement is known in history. The terrible price that France paid should never be forgotten. One hundred and fifty thousand of her brave sons, the very flower of her youth, were killed or wounded at the Marne. As I traversed the battlefield several years ago, I frequently saw the little cemeteries in the smiling harvest fields, where the heroic dead lie, and upon the graves I frequently read the inscription, "Un enfant de France, mort pour la Patrie" ("A child of France, died for his country").

Nothing more fittingly represents the spirit of France than that inscription. To all Frenchmen, France is a mother, and when the son falls upon the field of battle it is as a mother that the earth receives the child to her bosom.

How can the world, which for fifty years so cruelly misjudged France, reward her for her tragic suffering and infinite self-sacrifice? Alsace and Lorraine, those lovely children torn from the bosom of France in 1871, should be restored to her. The justice of this need not be based upon

academic formulas or musty historical documents, for Alexander Hamilton well said, that "the sacred rights of man are not to be searched for in old documents and musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of Divinity itself and can never be erased by mortal power."

Alsace and Lorraine belong to France by right of affection. Germany in 1871 conquered the soil of these provinces, but never the souls of their children.

Not to return these provinces to France would be a terrible negation of justice. When the Peace Conference shall come, in which America's voice is likely to be of potent value, she should, if indeed any demand be necessary, insist upon this restoration, not only because it is just, but because in this way France will have *some* compensation for all that she has suffered.

In this matter, there can be no compromise, even though a war-weary world shall, with respect to other matters, show some spirit of concession. If the spirit of opportunism should ever suggest in this country that if Germany abandon other pretensions and make other concessions America should not insist that Alsace and Lorraine be restored to France, then the nobler sentiment

of the American people must protest against any such ungrateful and fatal betrayal of the great cause.

Ophelia, caught in the vortex of this world tragedy, is obviously Belgium. Belgium, when confronted with the duty of holding the gateway to France, could say with Ophelia, "we know what we are, but know not what we may be."

Who is the Fortinbras of the World Tragedy? Shakespeare with one of his deft touches thus describes this son of a sea Viking:

"—a delicate and tender prince,
Whose spirit with divine ambition puffed
Makes mouths at the invisible event,
Exposing what is mortal and unsure
To all that fortune, death, and danger dare,
Even for an egg-shell. Rightly to be great
Is not to stir without great argument,
But greatly to find quarrel in a straw
When honour's at the stake."

England is Fortinbras.

On the night of the first of August, 1914, England was neutral. Her policy was one of "watchful waiting." She was obliged to wait for some clear issue, but when Belgium, through the words of its noble king, appealed to the King of Great Britain for aid against the threatened invasion of Germany, England never hesitated.

There was little material benefit to her in entering the quarrel, the ultimate outcome of which no human being could foresee. While she had an incomparable fleet, her army consisted of less than 300,000 men, one half of which was scattered to the four ends of the world, with which to defend her far-flung empire. How could she know with certainty that India, with her teeming millions, might not rebel? That South Africa, conquered ten years before, might not rise against her? How could she tell with certainty what might happen in Australia, New Zealand, Canada, or any of her world-wide possessions?

Yet England never hesitated when the King of Belgium appealed to her aid. Within a few hours, she sent her ultimatum to Berlin that unless by midnight of August 4th she had a positive revocation of the attack on Belgium, England would fight at all hazards.

When the frontier of Belgium was crossed, England staked the existence of its great empire upon the issue of the uncertain struggle. It had, as figures go in this war, only a small army. If it had been niggardly in its effort to defend Belgium, and save France in her hour of supreme peril, England might have said, without violating any express obligation arising under the Entente

Cordiale, that in giving its incomparable fleet it had rendered all the service that its political interests, according to former standards of expediency, justified; and it could have been plausibly suggested that the ordinary considerations of prudence and the instinct of self-preservation required it, in the face of the deadly assault by the greatest military power in the world, to reserve its little army for the defence of its own soil. England never hesitated when the Belgian frontier was crossed, but moved with such extraordinary speed that within four days after its declaration of war its standing army was crossing the channel, and within a fortnight it had landed upon French soil the two army corps which constituted the backbone of its military power.

What followed will be remembered with admiration and gratitude by the English speaking races as long as they endure, for nothing in the history of that race is finer than the way in which the so-called "contemptible little British Army," as the Kaiser somewhat prematurely called it—outnumbered four to one, and with an even greater disproportion in artillery—withstood the powerful legions of Von Kluck at Mons. Enveloped on both flanks they stood as a stone wall against an assault of one of the mightiest armies in recorded

history, and only retreated when ordered to do so by the high command of the allied forces in order to conform to its strategic plans. The English were not defeated at Mons. It was a victory, both in a technical and moral sense.

The retreat from Mons to the Marne was one of terrible hardship and imminent danger. For nearly fourteen days, in obedience to orders, the British soldiers,—fighting terrific rear-guard actions, which, in retarding the invaders, made possible the ultimate victory,—slowly retreated, never losing their morale, although suffering untold physical hardships and the greater agony of temporary defeats, which they could not at that time understand, and yet it is to their undying credit, in common with their brave comrades of the French Army, that when the moment came to cease the retreat and to turn upon a foe, which flushed with unprecedented victory still greatly outnumbered the retreating armies, the British soldiers struck back with almost undiminished power. The “miracle of the Marne” is due to the “good yeomen” of Great Britain as well as to the French *poilu*.

Even more wonderful was the defence of Ypres, an epic chapter of the war. There was a time in the first battle of Ypres when the British high

command, denuded of shells, were allotting among their commands, then engaged in a life-and-death struggle, ammunition which had not yet left England. So terribly were the "first seven divisions" of glorious memory decimated in this first battle of Ypres, that at a critical time, the bakers, cobblers and grooms were put into the trenches to fill the gaps made by the slain soldiers in that great charnel house. An army, which barely sufficed to defend a front of fifteen miles, withstood a powerful enemy on a line exceeding sixty miles. The "thin red line" held back—not for days, but for weeks,—an immensely superior force, and the soldiers of England unflinchingly bared their breasts to the most destructive artillery-fire that the world at that time had ever known. The glory of the first and second battles of Ypres, which saved Calais and the other channel ports, and possibly the war itself, will ever be that of the British Army.

Over four million Britons have volunteered in the war, and although very few of them had ever had any previous military experience, yet their stamina and unconquerable courage were such that the youth of the great Empire, on more than one occasion, when called upon, as on the Somme, to attack as well as defend, swept the famed

Prussian guard out of seemingly impregnable positions, as for example at Contalmaison. They too paid the penalty. Sir Eric Geddes, First Lord of the Admiralty, recently said that in 1917 Great Britain sustained greater casualties than any of her allies, and in the present year it has lost more than all her allies combined. Day after day, five thousand of her men—an army in itself—have fallen on the field of honor. England has now given to the Cause a million of her sons, killed on the field of honour.

Will the world forget the children of the Mother Empire who came so freely and nobly from far distant Canada, who wrenched Vimy and Messines ridges from a powerful foe, or the other whelps of the Lion who came from her other over-sea dominions? England has been too often taxed with selfishness, but what nation in recorded history ever commanded such voluntary service?

I recall the tramp of marching thousands in the first days of the war, as they passed through the streets of Winchester en route to France via Southampton, singing with cheer and joy, "It's a long, long way to Tipperary." Alas! It is indeed a "long, long way," and many a gallant English boy has fallen in that way of glory.

Today, from the Channel to the Vosges, there

are hundreds of thousands of graves where British soldiers keep the ghostly bivouac of the dead. They gave their young lives on the soil of France to save France, and when the great result is finally accomplished, a grateful world will never forget the "fidelity even unto death" of the British soldier. His place on Fame's eternal camping ground is sure.

What just man can fail to appreciate the work of the English sailor? It has been said by Lord Curzon that never has an English mariner in this war refused to accept the arduous and most dangerous service of patrolling the great highways of the deep. No soldier, for example, can surpass in courage or fortitude the mine sweepers, who have braved the elemental forces of nature, and the most cruel forces of the Terror which lurks under the seas.

The spirit of Nelson still inspires them, for the mariners of England have in very truth done their duty in this greatest crisis of the modern world.

And how can words pay due tribute to the work and sacrifices of the women and children of England? They have endured hardships with masculine strength, and have accepted irreparable sacrifices in silent sorrow and with infinite self-sacrifice.

When three British cruisers were sunk early in the war by a single submarine, and many thousand British sailors perished, the news was conveyed to a seaport town in England, from which many of them had been recruited, by flashing upon a screen the names of the pitifully few men who had survived that terrible disaster. Thousands of women, the wives and daughters of those who had perished, waited in the open square in the hope, in most cases in vain, to see the name of some one who was dear to them posted among the survivors; and yet when the last names of the rescued were finally posted, and these thousands of English women realized that those who were nearest and dearest to them had perished beneath the waves, these women of England, instead of lamentations or tears, in the spirit of the loftiest patriotism sang "Britannia rules the waves," and re-affirmed their proud belief that, "Britons never would be slaves."

Who shall then question England's right to a conspicuous place in this world-wide tournament of Fame? In all her past history, there has never been any page more glorious. Without her, as without France, civilization would have perished. To each nation be lasting honour!

The steadfastness of Fortinbras has been mani-

fested by England throughout this war. In the region of the Somme, she has sacrificed the blood of half a million of her sons to regain a little patch of desolated ground,

“Wheron the numbers cannot try the cause,
Which is not tomb enough and continent
To hide the slain.”

Those who have been privileged to look across No Man’s Land in the Somme region and recall that it is the largest and most desolate graveyard in the world well know that it is

“—a little patch of ground
That hath in it no profit but the name.
To pay five ducats, five, I would not farm it:
Nor will it yield to Norway or the Pole
A ranker rate, should it be sold in fee.”

Surely England can say with the pride of the heroic Fortinbras:

“Rightly to be great
Is not to stir without great argument,
But greatly to find quarrel in a straw
When honour’s at the stake.”

This has been England’s spirit since that fateful fourth of August, 1914.

CHAPTER VI

THE HAMLET OF NATIONS

To the American reader, the last and most interesting feature of the analogy is young Hamlet himself, and if I venture to draw an analogy between the young prince and the United States, it is not in a spirit of depreciation; for Shakespeare intended to picture Hamlet as a noble soul, who "barring the stamp of one defect," had the highest qualities of mind and soul. His affection for this wonderful child of his fancy is shown in the farewell, pronounced by Horatio:

"Good-night, sweet prince
And flights of angels sing thee to thy rest!"

America is the Hamlet of this tragedy; for in the days of its neutrality it had the "scruple of thinking too precisely on the event" and thereby let go by for nearly three years "the important acting of the dread command."

It is gratifying to an American to feel that the only analogy between the United States at the

present hour and Hamlet is with the Hamlet of the last act.

To those who have studied this riddle of the stage, it is obvious that the dreamy, irresolute Hamlet of the first four acts became in the final act of the tragedy the resolute and fearless man of action.

This transformation in his character followed the stratagem of the play whereby he unkennels the guilty king. Certainly in the play and counter-play that followed, Hamlet showed no lack of resource or vigor. In the voyage to England, he outwits his foes and hoists the king's spies, Rosencrantz and Guildenstern, with their own petard, just as Secretary Lansing by a masterly stroke defeated Germany and her sympathizers in America by the opportune disclosure of the Zimmerman note with respect to Mexico.

Throughout the last act, the spectator feels that Hamlet is no longer dallying with his fate, but is awaiting an opportunity to settle his account with the usurping king, and nothing can exceed the splendid energy with which, when he discovers the base conspiracy against his life, he mounts the steps of the throne and becomes the avenging minister of justice.

This has been the rôle of America since its entry

into the war. Mistakes have been made, and unfortunate delays have marked its preparations in some respects; but who can gainsay the splendour of its achievement in other respects or challenge the united and unselfish spirit of the people in their willingness to make any sacrifice to help their Allies?

Universal conscription, almost unheard of in its history, is willingly accepted; sacrifices of food are made, that its Allies may be better fed; millions of men, without a murmur of discontent and with a heroic joy, have set sail upon the high seas and laughed the malignant submarine to scorn.

Daily the list of casualties increases, and already many an American home is darkened with the tragedy of "the vanished hand and the sound of the voice that is still."

And yet the spirit of the people is so fine that, at the first intimation of a possible parley in President Wilson's first response to Germany's appeal for peace, the American people, with unprecedented unanimity, irrespective of classes, sections, parties, or creeds, united in a storm of protest, and the President sent an apparently final reply to Prince Max, which leaves no doubt that America will never make a compromise peace

with the Imperial Government of Germany, come what may.

Here then, is not the resolute and dreamy Hamlet of the earlier acts of the tragedy. It is America at its best, and President Wilson, in his resolute reply to the German Chancellor, simply re-echoed the words of his noble predecessor, Abraham Lincoln, in 1858, when that heroic leader of the people said:

The real issue in this country is the eternal struggle between those two principles—right and wrong—throughout the world. They are the two principles which have stood face to face from the beginning of time, and will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings.

But it must be admitted in candour that in the period of its neutrality, America was the Hamlet of the first four acts, full of generous idealism, and yet hesitating, through its excessive introspectiveness, from entering the world arena and battling for the ideals of which it was born and to which it is forever dedicated.

The Hamlet of the earlier acts was a typical scholar in politics, for the tragedy of that name is a study in college life. The rooted habit of his mind was to talk about evils rather than

act swiftly to redress them. He found keen enjoyment in his rhetorical powers. He talks to everyone from the king to the sentinel and when he has no one else to talk to, he is quite content to talk to himself. In the course of these rhapsodies of words, he at times castigates himself with reproaches and at others speaks in a tone of self-evident confidence and exultation. But he spends too much of his strength in words. He says: "Now could I drink hot blood,"—but he puts by the cup until the eleventh hour. "Now might I do it pat,"—but again he temporizes with his fate, not from cowardice, but from excessive sensibility and meditation.

There have been two leading theories of Hamlet's psychological difficulty. One holds that he was irresolute through an excess of the contemplative faculty, and therefore his trouble was subjective, and the other, that his troubles were purely objective. Of these two theories, in my opinion, the intention of Shakespeare is the former. Coleridge's masterful analysis of Hamlet best gives the root of Hamlet's psychological difficulty.

Let me state Coleridge's theory in his own words:

I believe the character of Hamlet may be traced to Shakespeare's deep and accurate science in

mental philosophy. Indeed, that this character must have some connection with the common fundamental laws of our nature may be assumed from the fact that Hamlet has been the darling of every country in which the literature of England has been fostered. In order to understand him, it is essential that we should reflect on the constitution of our own minds. Man is distinguished from the brute animals in proportion as thought prevails over sense; but in the healthy process of the mind, a balance is constantly maintained between the impressions from outward objects and the inward operations of the intellect; for if there be an overbalance in the contemplative faculty, man thereby becomes the creature of mere meditation, and loses his natural power of action. Now, one of Shakespeare's modes of creating characters is to conceive any one intellectual or moral faculty in morbid excess, and then to place himself, Shakespeare, thus mutilated or diseased, under given circumstances. In Hamlet he seems to have wished to exemplify the moral necessity of a due balance between our attention to the objects of our senses and our mediation on the working of our minds,—an equilibrium between the real and the imaginary worlds. In Hamlet, this balance is disturbed; his thoughts and the images of his fancy are far more vivid than his actual perceptions, and his very perceptions, instantly passing through the medium of his contemplations, acquire, as they pass, a form and a colour not naturally their own.

Hence we see a great, an almost enormous, intellectual activity, and a proportionate aversion to real action consequent upon it, with all its symp-

toms and accompanying qualities. This character Shakespeare places in circumstances under which it is obliged to act on the spur of the moment. Hamlet is brave and careless of death; but he vacillates from sensibility and procrastinates from thought, *and loses the power of action in the energy of resolve.* Thus it is that this tragedy presents a direct contrast to that of Macbeth; the one proceeds with the utmost slowness, the other with a crowded and breathless rapidity.

The effect of this overbalance of the imaginative power is beautifully illustrated in the everlasting broodings and superfluous activities of Hamlet's mind, which, unseated from its healthy relation, is constantly occupied with the world within, and abstracted from the world without,—giving substance to shadows, and throwing a mist over all commonplace actualities.

In Hamlet, we have at first a man of prodigious intellectual activity, of noble idealism, of great courage, who remained a dreamer, for whom the outer world had no interest at all except as it was seen in the mirror of his internal conscience, until the base stratagem of the duel roused him to action, when the dreamer became a man of passionate energy.

Shakespeare makes Hamlet say in self reproach:

"And thus the native hue of resolution
Is sicklied o'er with the pale cast of thought,
And enterprises of great pith and moment

With this regard their currents turn awry
And lose the name of action."

America, the land of action, whose very name, in its Gothic origin, means "all-conquering work" (for America is believed to be derived from the Gothic word *amal*, meaning work, and *rik*, the verb "to conquer"), during the period of neutrality assumed many of the characteristics of Shakespeare's lovable dreamer. Then it talked daggers; but used none.

When, however, its patience exhausted, America went into the war, a profound change took place in its personality. No longer was it the Hamlet of the earlier acts of the tragedy. Suddenly it became the Hamlet of the fifth act, resourceful, brave, and swift in action.

No American can ignore the mighty change in the spirit of our people that one year has witnessed. We have put aside our parochialism and now take a truly cosmopolitan view of the world crisis.

This spirit was strikingly manifested when President Wilson, in his recent parleys with Prince Max, the new German Chancellor, seemed to suggest the possibility of further diplomatic parleys and the insistent and almost unanimous response of the American people in their insistent demand for an

unconditional surrender showed that the young Hamlet of nations, with its sword in hand, was now sweeping to its revenge in a spirit that would brook no denial and tolerate no further verbal dialectics. As Hamlet truly says:

"There's a divinity which shapes our ends,
Rough-hew them how we will."

In suggesting the analogy between the United States and Hamlet, it is therefore necessary to distinguish between the period of its neutrality and the period of its belligerency.

Of the former, little need be said; for it is a chapter in its history which thoughtful Americans would willingly forget.

As young Hamlet at Wittenberg, we were absorbed in our introspective contemplation of our internal development, and the world crisis found the United States at a time when it was least capable—but not incapable—of playing a great part in it.

The future historian will regard with amazement the fact that before the sinking of the *Lusitania*, few Americans, whether educated or uneducated, contemplated as a serious possibility the intervention of the United States in the war, and, even after the sinking of the *Lusitania*,

opinion was so divided—not as to the merits of the European War—but as to the practical duty of the United States with reference thereto, that a Presidential campaign was fought and won upon the issue that America should remain neutral at a time when not only its own interests were vitally menaced, but the very foundations of civilization were crumbling.

There was, however, one reason which, to some extent, justified the introspective and parochial view which America, in the period of its neutrality, took of the world war. It was the traditional policy of this country with reference to its assumed isolation. I have discussed this fully in my previous book, *The War and Humanity*, and if the influence of the much misunderstood Washington tradition upon America's policy of neutrality needs amplification, I can only refer to the views therein expressed, especially in the chapter, "The Foreign Policy of President Washington."

It is enough that for nearly three years the United States did dally with its fate in the manner of Hamlet and "let go by the important acting of the dread command," which as surely came to the United States as to any other nation.

Like Hamlet, it cried for a time in weak dejection of spirit:

"The time is out of joint: O cursed spite,
That ever I was born to set it right!"

Nearly a year was largely wasted in a preparation that should have begun three years before, and it was not until the great disasters came to the British and French armies in March, 1918, that the American Government seemed to awake from its Hamlet-like spirit of phrase-making and dreamy illusions about mighty flights of aeroplanes and great armadas of ships and exerted the strength of America to the utmost.

Then followed one of the most glorious chapters in our history. The transportation to our harassed Allies of nearly two millions of soldiers in a period of little more than a year is one of the stupendous deeds of the war and, it may be added, of recorded history, and the courage and disciplined skill with which these soldiers—many of them almost raw recruits—threw themselves into the breach, as at Château Thierry and St. Mihiel, will be recalled by future generations to the end of time as a resplendent achievement.

If the present Administration can be fairly criticized for its past policy of neutrality and its failure for nearly three years to prepare against the inevitable day, and even for the tardiness with which, after the declaration of war, its mili-

tary preparations were at first developed, yet fair-minded Americans of all parties should and will give it unstinted credit for finally transporting three thousand miles to France an armed force almost fourfold greater in numbers than the Grand Army with which Napoleon, that supreme master of organization, after long preparation, crossed the Nieman.

This can be said without depreciating the invaluable service of the British Navy, which safely transported nearly seventy per cent. of these armies.

Hamlet may at times have been irresolute, but he could move on occasion "with wings as swift as meditation or the thoughts of love," and nothing can exceed his splendid energy in the fifth act, as he learns of the dastardly conspiracy against his life, when, sweeping back the armed guards that protected the usurping king, he seized him by the throat and commended to his lips the poisoned chalice intended for his own.

America has also swept with splendid energy to its revenge in the fifth act of the world drama. It has become the determining factor in the war, appearing at this Armageddon like Blücher on the field of Waterloo.

All this, however, will be assessed by history

in due course. The vital question for the moment is the part that Hamlet will play at the peace table. Will the United States embarrass her Allies in the great work of retributive justice by invoking anew the spirit of false pacifism and so-called magnanimity?

This is the most serious question at the present hour, and America's true place in the future of the world will depend largely upon the wisdom and justice with which she exercises her unquestionably potent voice in formulating the terms of peace.

CHAPTER VII

AMERICA AS PEACEMAKER

IN the judgment of many thoughtful men, the discussion of terms of peace has hitherto been premature and unwise. At the beginning of the war, Great Britain, France, and Russia concluded a solemn compact, under which they agreed not to make peace without the concurrence of all, and in this compact their other Allies, with the exception of the United States, subsequently joined. It was then deemed wise that no attempt should be made to formulate the aims of the war or the possible terms of peace; for it was felt that those terms could only be determined in the light of conditions which would prevail after the victory, and would then be influenced very largely by its extent.

The premature discussion of peace terms was due in some measure to President Wilson's attempt in December, 1916, to force a statement by the belligerents of their several objects and aims.

Not content with this, the President, forgetful of the fact that in its status of neutrality America may have lacked a *locus standi* to discuss terms of peace, proceeded to announce America's terms, and, since then the President has from time to time announced the principles and measures which in his judgment should determine the peace conference.

This he has done with a nobility of thought and felicity of diction that have won for him the praise of millions throughout the world and gained for him the position in many eyes of being the leading spokesman of the liberal forces of civilization.

In all this, the President may have been wise. Time alone can tell.

In this extraordinary crisis in the history of nations, when all previous precedents count for little, it may have been wise for President Wilson to bring about a discussion of the peace terms in advance of victory, even though the belligerents who are now our Allies then bitterly resented it. The war had brought such an immeasurable burden of suffering upon the world that the thought of the restoration of old conditions was to many enlightened men intolerable. The ground must be broken for the reconstruction of the Temple of Civilization upon

new and surer foundations, and it may have been desirable and even necessary, while the battle still raged, even for a neutral to direct the minds of men to the new era which would follow the war.

This was presumably President Wilson's great purpose, and no one can say at this hour that it was necessarily unwise.

Nevertheless, the author cannot escape the conclusion that it would have been wiser if the terms of peace had never been discussed until the victory had been safely won; for, at that time, the Allies, in loyal co-operation in the council chamber as on the field of battle, could have best determined their objects and plans.

At present, they are unquestionably embarrassed by the fact that President Wilson's many peace proposals, to which they were not free to dissent when the issue of the battle was uncertain, and to which Germany and Austria have now assented, do not fully represent their ideas and in some respects, as in the declaration for the freedom of the seas, are at variance with them.

Even America is not as free to act in the full light of assured victory as if the peace proposals of President Wilson had not been made.

Since America's entrance into the war, the President has repeatedly suggested his terms of

peace. In most of these declarations—notably those of February 11, 1918, July 4th, and September 27th, of the same year—he has, with characteristic wealth of rhetoric, suggested the great ideals of justice and humanity, which must guide the deliberations of the peace table.

Many of these statements are, however, so vague and general as to leave their practical application, and even meaning, open to future discussion, as is best illustrated by the fact that the President's four formulas of February 11, 1918, were so innocuous and inoffensive that Czernin, the Austrian Foreign Minister, and Hertling, the German Chancellor, promptly accepted them in principle.

Once and once only the President has in a concrete way suggested the terms which he regards as essential to a just and durable peace. It was in his very notable address of January 8, 1918, and, as this book goes to press, it seems probable, that this declaration may be the basis for the discussion at the peace table.

Three things, however, are to be noted with reference to these fourteen formulas.

The first is that, at no time, have our Allies authoritatively and unreservedly accepted these. This consideration alone raises a grave question

as to the wisdom of formulating such propositions; for, while at the present time, the leading publicists of our allied nations do not, from prudential considerations, express their full opinions as to some of these propositions, yet it is obvious that if these fourteen propositions were submitted by the United States to the peace conference as the maximum peace programme, it might and probably would lead to open dissent from our Allies.

Respect for President Wilson's sagacity compels the conclusion that while President Wilson probably intended these fourteen propositions to be an irreducible minimum to Germany, they were never intended to be a maximum to our Allies, who, having borne the heat and burden of the day, should have the chief voice in determining the details of the peace programme.

The second consideration is that it may be doubted whether these propositions as an entirety now represent the President's more mature views. As the author gives the proofs final revision, President Wilson, in a note to Austria, dated October 18, 1918, has just disavowed the Tenth Proposition, whereby he had suggested the continued integrity of the Austro-Hungarian Empire with some internal changes, which would give autonomy to the Slav States. He now recognizes

that the Empire of the Hapsburgs is doomed and repudiates his former suggestion on the tenable ground that events have changed since January 8, 1918, thereby undoubtedly referring to the Czecho-Slovak rebellion.

The third consideration, which it is vitally important to remember, is that these fourteen propositions do not necessarily represent the policy of the United States. All that can be said, under our form of government, is that, by this declaration of January 8, 1918, the President has indicated the terms upon which, so far as the United States is concerned, he was willing to *negotiate* a treaty of peace with Germany; but the treaty thus negotiated must be submitted to the Senate of the United States, and, unless it be ratified by a vote of two thirds of the Senators then present, it will not become a treaty of the United States.

This point has been strangely overlooked in all the discussions. It has been assumed that President Wilson's terms are necessarily those of his country.

Undoubtedly and naturally the American people, acting through their representatives in the Senate, will consider with profound respect that which the President through his diplomatic representatives may preliminarily negotiate. His judgment will

be accepted, unless it be plainly unwise. One of the happiest characteristics of the time is the loyalty with which the American people, through all the organs of their Government, stand behind the Chief Magistrate in all matters of foreign relations. Never has this spirit been more strikingly shown than in this world crisis. When the President bade his countrymen to mark time, they remained neutral with unstinted patience, notwithstanding the most acute and passionate differences of opinions with regard to the moral issues of the war; and when the President ordered them to march forward and take their destined place on the battle line, they did so in the same fine spirit of loyalty to their Government and to him who is at once Chief Magistrate and Commander of our armed forces.

It is altogether probable, therefore, that whatever terms the President and his representatives may finally embody in the preliminary draft of the treaty will be accepted by the Senate and the people of the United States, unless it be reasonably clear that their ratification would affect the honour of the nation or its vital interests, or compromise the just interests of our Allies, for the United States has never clasped the hand of an Ally and then betrayed its companion in arms.

The founders of the Republic never intended that the President should alone shape the foreign policy of the nation. Wisely or unwisely, they provided that the nature of these foreign relations, and especially the issues of war and peace, should be finally determined by the Congress of the United States, which was assumed to be more broadly representative of the wishes of the nation than any individual.

The President does negotiate a treaty. It is the Senate that ratifies it. Theoretically, therefore, it is true, as Lord Bryce said in his *American Commonwealth*, that, in the matter of our foreign relations, the President can unsettle anything, but actually settle nothing; for, when he has concluded his preliminary treaty either with our Allies or with our enemies, the Senate of the United States will then take it into consideration, and if more than one-third of its membership shall be of opinion that the United States should not enter into the covenant in question, the treaty is rejected.

Its negotiation by the President does not bind the nation legally or even morally; for any nation which negotiates a treaty with our Executive is bound to know that only the concurrence of the Senate can make it binding.

To the framers of the Constitution there was no provision of greater importance than that which required joint action by the Executive and the Senate in determining the foreign policy of the Republic. To them this concurrent authority marked the principal distinction between a monarchy and a republic.

In 1787, every then existing government except our own regarded the foreign relations as peculiarly the prerogative of the Crown, and not of the Legislature. The King, Emperor, or Czar made treaties, appointed and received ambassadors and ministers, declared war and made peace. The only check upon such power in democratic monarchies, such as England, was the power of the legislative body over the expenditures of the nation, but otherwise the foreign policy of the nation was regarded as peculiarly vested in the Crown. In Germany, the full power over the issues of peace and war is in the Kaiser, and as this book goes to press, the power is about to be taken from him by an amendment to the Constitution of 1871.

It was not unnatural, therefore, that after the Revolution our Government preferred to take from the executive branch of the Government the supreme issues of war and peace. Even under the Articles of Federation, which preceded the

Constitution of 1787, it was provided that even a majority in Congress could not make a treaty or alliance without the assent of nine States.

The diplomats whom the Continental Congress sent abroad, such as Benjamin Franklin, Silas Deane, and John Adams, were delegated by Congress, and all correspondence with foreign nations was exclusively in the hands of Congress, acting through a Committee on Foreign Relations.

The convention of 1787, composed as it largely was of men who had had practical experience of the difficulty of committing the management of foreign affairs exclusively to a legislative body, determined to concentrate the power and therefore make it more efficient. In the first draft of the Constitution, it was provided that "the Senate of the United States shall have power to make treaties, and to appoint Ambassadors, and Judges of the Supreme Court." The Committee on Detail, to whom the revision of the document was intrusted, perceived that as Congress was not always in session it would be necessary to delegate the power of negotiating treaties to some official who could act at any time. For this purpose the President was naturally selected, against the objections of those who felt that to confer full power with respect to foreign relations on the

President would be to make the Republic a monarchy in its foreign relations in everything but in name.

One of the great compromises of the Constitution was thereupon adopted, by which it was wisely provided that the Executive was to be the primary organ of communication with other governments, and that as such the President should negotiate treaties and nominate for the approval of the Senate, Ambassadors, and Ministers. The provision as finally adopted said:

He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, *provided two thirds of the Senators present concur*; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The convention was not willing to intrust the question of war even to the President and the Senate. On the contrary, it was provided that the Congress "shall have the power . . . to de-

clare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

It was thus clear that the foreign relations of the Government were divided into three classes and three different methods adopted:

1. The Ambassadors and Ministers, who should represent the Republic in foreign courts, should be appointed by the President, with the advice and consent of a majority of the Senate.

2. Treaties of all kinds should be negotiated by the President, but should have no force unless ratified by two thirds of the Senate.

3. The declaration of war was committed to Congress as a whole.

Even this qualified power of the Executive with reference to our foreign relations was one of the many reasons urged by publicists against the ratification of the Constitution. Many of these objections show surprising foresight, while some are fanciful in the last degree. Thus, Hugh Henry Brackenridge, writing in *The American Museum*, in April, 1788, objected to such ratification on the ground that there was nothing in the Constitution which forbade the selection of a woman as President, and he added: "What shall we think, if, in progress of time, we should come to have an old woman at the head of our affairs?"

Time has shown that this objection was a chimera, for, except in a purely metaphorical sense, the possibility, at which Mr. Brackenridge hinted, is too remote for consideration even in these days of woman's suffrage, although it ought to be said in justice to the class referred to that four of the most sagacious rulers that any country ever had were "old women," namely Maria Theresa of Austria, Catherine of Russia, and Elizabeth and Victoria of England.

Leaving aside these objections, fanciful or substantial, it is reasonably certain that the Constitution of the United States would never have been ratified by the States, if the final power over foreign relations had not been vested in the Senate in the manner above referred to, with a final reservation in both houses of Congress of the determination of the issues of peace or war, and nothing more forcibly measures the gradual adaptation of a written Constitution to the shifting ideas and usages of succeeding generations than the fact that the President has become not merely the primary and initiative but the most potential power in foreign affairs.

Certainly the high prerogative of the Senate has been reduced to the minimum of influence during the present Administration.

Never before has a President, in formulating the foreign policy of the nation, more completely ignored the wishes and action of the Senate. It is common knowledge that all the leading members of the Party in power in the Senate have been in complete ignorance of the most important moves of the Executive, until they were accomplished and the nation in a sense morally committed to them. In this great crisis it may have been wise to do this, but such a course of secret diplomacy was never in the contemplation of the framers of the Constitution.

In the practical workings of our Government, this concurrent power, which easily makes possible an unfortunate deadlock, has been made efficient by an almost unbroken custom of co-operation, in the negotiation of a treaty, between the President and the Senate, acting through its Committee on Foreign Affairs. Until this war, every American President, when complications arose between the United States and any foreign nation, at once took into his confidence the Senate Committee on Foreign Affairs, and, whenever the issues of war and peace were involved, the President, in a fine spirit of patriotism, not only consulted the members of that Committee who were of his own party, but also the members of the

minority party. This insured a reasonable unity of action. America has thus always stood in its foreign relations as a reasonably united nation.

President Wilson has refused to follow this procedure. He has not only throughout this greatest crisis of modern history failed to consult with the Senators of the opposite party, who, if they voted as a body, could reject any treaty that he might negotiate—for they number more than one-third of the Senate—but he has even failed to consult, except at rare intervals, the members of his own party, until he had first reached his own conclusions. It has been credibly stated that the President's declaration of January 8, 1918, was made without any previous consultation with the Democratic members of the Committee on Foreign Affairs. Many leaders of the Democratic majority in the Senate were wholly ignorant even as to the subject-matter of the address that was then to be made, and yet that address was, in its far-reaching significance, the most important declaration on foreign relations for the last half century and possibly since the beginning of the Government.

It may be that President Wilson was wise in the course of procedure which he has followed in these stormy days. His own masterful temperament

may work best when it is least subject to conference with others, and having regard to the divergent views in the Senate, especially in the period of neutrality, it may well be that President Wilson held the helm of the ship of state with a firmer hand by steering the ship alone. In any event, he did not offend the letter of the Constitution. In imposing upon the Executive the initiative in negotiations for a treaty, the Constitution does not require that the President shall preliminarily confer with the Senate, as the concurrent treaty-making power.

This is true. It is equally true that when President Wilson formulated the foreign policy of his nation without any real consultation with the Senate, which has the final voice in the determination of that policy, he assumed a very serious responsibility.

As has been stated, the only concrete statement of peace terms to which the President has given expression was that of January 8, 1918, and, in considering the question as to what part the United States will play at the peace table, it is desirable that the American people should now consider with great care the fourteen propositions which were embodied in this notable address. To remain silent savours of giving consent to that which

the President has formulated in behalf of the people.

When the war shall be ended, it will be the people who, together with the peoples of our allied nations, will have won the conflict, and certainly the people of the United States have a right to express their views as to the wisdom or unwisdom of the President's proposals.

As the President has always stated that his chief ambition is to interpret faithfully the wishes of the American nation, of which in eloquent phrase he has regarded himself as the chief trustee, it may fairly be assumed that the President would welcome the expressions of his fellow citizens with reference to the propositions which he has tentatively made in their behalf.

CHAPTER VIII

THE TERMS OF PEACE

WHAT, then, will be the attitude of America at the peace table? It will be that of President Wilson, and all Americans can rejoice that in his many eloquent and noble utterances on the subject of peace he has unvaryingly indicated that America will, in its conclusions, be inspired by the loftiest disinterestedness. In all its history, it has never rendered a nobler service to humanity than its intervention in this war, without any hope or desire of material advantage to itself. This should forever give the lie to the belief which so commonly prevailed in other countries, and especially in Germany, that America was a land in which the worship of the mighty dollar was the true religion. Those who superficially believed this did not remember that America, like Hamlet, was at heart a noble idealist and that its motives were more often influenced by the finest altruism than by personal advantage.

One of Hamlet's finest traits was his generosity. To all who merited it, he was a prince in the truest sense of the term.

Here again, an analogy can be drawn between Hamlet and the United States. The last twelve months have shown that it is a generous nation, and the old impeachment of its money-loving spirit has now largely lost its force.

The author takes occasion here to repeat a suggestion which he has made on several occasions to American audiences and on each occasion the suggestion was received with warm approval.

When peace is concluded and our overburdened and impoverished Allies shall attempt to resume their normal activities, among the first questions to which they will address themselves will be the method of liquidating the great debt which they owe to the United States for money advanced, a debt which already exceeds the stupendous sum of ten billion dollars, a sum, therefore, ten-fold greater than the indemnity which Prussia exacted from France in 1871.

When that time comes, let the American people, in the spirit of Hamlet, remembering that for nearly three years the Allies fought our battles as well as their own, say to them that these

obligations are received in full, and if it be asked in what manner, let America reply:

"By the blood of your sons shed for a common cause."

It is, however, not enough that America should sit at the peace table merely as an altruist. It must be a wise altruist; for it is true that in human experience no acts are more unjust than those which occasionally just men unwittingly do. It is therefore essential for the American people, having regard to their future prestige and usefulness, to weigh with the greatest care the propositions which have been advanced in their name by the President, as the basis of peace negotiations.

The author will make no attempt to discuss these fourteen concrete propositions in any detail. Each would require a volume for its adequate discussion. They present to the world a vision of millennial splendour and it may be felt that some of them are not practicable except in the millennium, which, to some of us, seems still far distant.

Without attempting such a discussion, the author simply desires to bring to his readers' attention the fact that some of these propositions are sufficiently debatable to require the most care-

ful consideration by the American people and by the Senate of the United States, which, under the Constitution, is, as previously stated, the final treaty-making power.

It must further be stated, preliminarily, that a discussion of some of these propositions is made difficult by a certain obscurity in their meaning. Like Hamlet's philosophizing, they are characterized by a fine idealism and a lofty humanitarianism but when the mind attempts to apply them to the practical problems of statecraft, a doubt arises as to the scope which the distinguished draftsman intended for them, and the approval or disapproval of many thoughtful men will depend upon the further definition of such scope.

Let us consider them *seriatim*:

I.—Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

In this proposition, we are at once met with the difficulty as to the practical application which the President intended for it. If it is merely meant to exclude secret negotiations or arrangements between nations, such as marked the famous correspondence between the Kaiser and the Czar

several years before the world war, then the proposition, as thus defined, would meet with general assent.

Its literal import, however, seems to justify a broader application. It not only demands the fullest publicity with respect to treaties, but it plainly provides that they shall be "openly arrived at" and that diplomatic negotiations shall proceed "in the public view." It may well be doubted whether such an expedient is either practicable or desirable.

There is a time for all things, a time for publicity and a time for privacy. Diplomatic negotiations, peculiarly presenting questions of great difficulty and delicacy, cannot always proceed to advantage with the world as a gallery. It is well that diplomats and statesmen should, in such matters, be free from the temptation to pose or play the demagogue.

There cannot be full freedom of discussion, which is necessary to a full result, if such discussion is blared forth from the housetops.

This has always been recognized in America, for whenever, since the foundation of the Republic, the President has sent a treaty to the Senate for ratification, that body has gone into executive session and discussed it behind closed doors.

Who shall say that this method of procedure was

not justified in result? And yet the necessary effect of President Wilson's first proposition would be that, in future, the Senate, to conform to his ideal, would be obliged to discuss questions of the utmost delicacy in open session. It is, however, probable that they would decline to set aside the precedents of a century, and it may be repeated that to do so would be very questionable wisdom.

The President himself, in his masterful handling of diplomatic problems during the present crisis, has reached his conclusions in the privacy of his own workroom. No President has ever less taken the outside world into his confidence until he had first acted. In consultation with his chief adviser, Col. Edward M. House, the President has first deliberated, then acted, and then disclosed his action to the world. In this, he has followed his own method, and probably he has succeeded better than if he had followed the policy of "pitiless publicity."

Let us assume that this proposition were adopted as a method of procedure in the coming peace conference. Would it be effective to prevent secret discussions and understandings? If the United States, through its diplomatic representatives, insisted upon saying and doing nothing that was

not recorded stenographically and immediately given to the world through the agencies of the press, is it not altogether probable that other nations, which can adjust diplomatic questions to better advantage with a reasonable privacy, would simply ignore the United States and privately discuss between themselves the attitude that they would assume at the sessions of the peace conference?

The proposition is that the members of the peace conference, in determining questions of extraordinary delicacy and difficulty, should act publicly, as Louis XIV. dined in public. It may be doubted whether the best results could thus be obtained; for in the meeting of minds there must always be a period when outside influence is prejudicial. Certainly the diplomat, who negotiates in public with the world as his gallery, would not be as free to act wisely and justly as though he were not condemned to play to the galleries while formulating a solemn treaty for the due regulation of the community of nations.

II.—Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

The issue of the freedom of the seas is either a meaningless abstraction, about which controversy is idle in a time when deeds and not phrases count, or it is an issue of infinite moment.

Unfortunately, the latter seems to be the case; for it cannot be gainsaid that the freedom of the seas, which that well-meaning and amiable Talleyrand of the Administration, Colonel Edward M. House, offered to Germany in December, 1916, was originally meant as a substantial concession to Germany, and was thus accepted. Evidently it is now intended to offer the concession again to Germany. Moreover, President Wilson, in his address to Congress at that time, offered to Germany as a peace sop the illusory promise of peace without victory and freedom of the seas (January 22, 1917). The "freedom of the seas," as thus propounded by President Wilson, must have some practical meaning. What is it?

If the expression only had reference to times of peace, it would be meaningless; but the President in his speech of January 11, 1918, took occasion to state that his proposition had reference to times of war, as well as times of peace, and it is this fact that gives a portentous significance to the proposition, especially to England, whose integrity as a nation and prestige as a world-power necessarily

depend upon the sea power. If the United States should insist at the peace conference in thus impairing Great Britain's sea power, as well as its own, well might England say: "Call you this backing of your friends?"

Doctor Dernburg, formerly Colonial Minister of Germany, in the Vienna *Neue Freie Presse*, defined the "freedom of the seas" as "unimperilled imports at all times." This means, if it have any meaning, that if Germany shall again declare war upon any nation in the world, and especially upon England, its right to import from all neutral nations its foodstuffs, raw materials, and even munitions of war shall be guaranteed by the nations as an international right. If Germany could secure this advantage, it could concede without loss strips of territory to the victorious Allies and give to France Alsace and Lorraine and to England its undeveloped African colonies, since, under the terms of peace, it would have inflicted a vital blow to Great Britain's naval power.

Several German publicists have recognized the surpassing importance to Germany of President Wilson's tentative proposition.

In a secret memorandum, which was sent by the late German Chancellor Michaelis to the Austrian Government, it is stated:

Germany has to solve two problems—the freedom of the seas and the opening of the route to the south-east. And these two problems can only be solved through the destruction of England.

In slightly different language, Germany's policy is stated by Count von Reventlow, the editor of the principal pan-German organ in Berlin:

Freedom depends on the freedom of the seas, and freedom of the seas depends on the liberation of Ireland.

It is not surprising that British publicists view with apprehension President Wilson's too ready concession of freedom of the seas, both in times of war and in times of peace. No nation, except it be the United States, entered the war with any less selfish purpose than Great Britain. It had little, if any, desire for additional territory, and its principal motive in intervening in behalf of Belgium was that of self-preservation. It did not look for any material result from the war that could in any way compensate for the infinite sacrifice of life and treasure, and, while British statesmen are naturally reticent on the subject of President Wilson's concession of freedom of the seas in times of war, yet it is not difficult to imagine the bewilderment with which they have received this suggestion from a

friend and ally. At present, they can only hope that either President Wilson attaches a different meaning to the freedom of the seas than any other publicist, or that he will not seriously press his contention at the peace conference.

Should the latter event unhappily come to pass, it will not be surprising if the peace conference should develop an unfortunate lack of unity among the Allies; for, to Great Britain, the war would be lost, if it were agreed by all the nations as a part of the peace treaty that the naval power of Great Britain, upon which her very independence may rest, should be thus impaired.

The Prime Minister (Mr. Lloyd George) thus evidenced this apprehension on the 18th of January:

I want to know what freedom of the seas means. Does it mean freedom for submarines, and does it mean starvation in this country? After all, we are in a very different position from America, or Germany, or France, or any other continental country. We are an island, and we must scrutinize with the very greatest care any proposal which might impair our ability to protect our lines of communication across the seas. Freedom of the seas is a very elastic term. There is a sense in which we would rejoice to accept it, but we must guard very carefully against any attempt to interfere with the capacity to protect our shores and our shipping, that has alone enabled us to exist up to the present moment.

Speaking in the House of Commons in December, 1917, Mr. Asquith said that he had sought in vain for any exact, or even approximate, definition of the meaning of the phrase, and asked what stipulation Great Britain, for instance, would be asked to embody in the terms of peace which would curtail and fetter the immemorial right of the maritime marine of all nations of the world to use the seas in time of peace, or what limitations it was proposed to impose upon belligerents in time of war.

This question affects America as well as England, for we too are a great sea power, and destined to be a far greater one. We would not welcome a doctrine which, if we had another war with Mexico, would enable Germany to sell to that country the means to kill our soldiers and defeat our arms.

Assuming that the diplomatic representatives of the United States embodied this proposition in any treaty of peace, the Senate would probably consider a long while before it accepted it as the public policy of this nation; for America is destined to be the second naval power of the world, and may possibly become the first, and it is not likely to give up its sea power without the most serious consideration.

III.—The removal, so far as possible, of all economic barriers and the establishment of an equality of

trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.¹

Here again, the Senate of the United States would probably ask that the exact scope of the proposition, if it were embodied *verbatim et literatim* in the proposed treaty of peace, should be further defined before it gave its ratification. If it literally means the removal of all economic barriers, including fiscal taxes on imports, then it would mean a policy of universal free trade, and it may well be questioned whether the United States, which, for more than a half a century, has been a highly protective country, would abandon its consistent fiscal policy and throw open its markets to the underpaid labour of Europe, with the risk that, with all economic barriers thus removed, America, the richest nation in the world, might be used as the dumping ground for the surplus products of all nations, including, for instance, China, where labour receives a minimum wage. A protective tariff is undoubtedly the most familiar and effective "economic barrier." Will

¹ Though the natural literal interpretation of this proposition has recently been authoritatively disclaimed, yet, even as thus modified, it still impairs an economic weapon potentially valuable to commercial nations.

America tear down a barrier which it has almost continuously used to protect its vast manufacturing industries?

I am inclined to think that the labour interests of the United States would think twice before subjecting themselves, with the present high standard of wages, to the competition of the coolie labour of China.

IV.—Adequate guarantees given and taken that national armaments will reduce to the lowest point consistent with domestic safety.

This again seems to the author a visionary proposal. It was Napoleon who made a similar attempt when he provided after the victory of Jena that Prussia should not have a standing army in excess of forty-two thousand men. Prussia then showed how easily such a regulation could be evaded, and, if evasion is at all possible, it means that the nations that would not scruple to arm secretly would have the nations that observed the covenant in good faith at a disadvantage, and the pacific nations of the world would thus be in manifest danger of attack by some military power which had secretly prepared for many years.

V.—Free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict

observance of the principle that in determining all such questions of sovereignty the interests of the population concerned must have equal weight with the equitable claims of the Government whose title is to be determined.

As an ideal, this proposition would receive the general assent; but unquestionably its practical application to particular cases would involve very serious questions. Will America agree to leave to the peace conference the determination of the question whether the Philippine Islands might not be restored with advantage to Spain?

VI.—The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest co-operation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy, and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good-will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

This is a characteristic manifestation of President Wilson's lofty humanitarianism. So far as it requires the evacuation of all Russian territory

and the development of a new Russia, it is a condition upon which all right-thinking men will agree.

The recent atrocities of the Bolsheviks, far exceeding in malignant cruelty the worst excesses of the French Revolution in the days of Danton, Marat, and Robespierre, are calculated to make the thoughtful man doubtful as to the policy of assuring Russia "a sincere welcome into the society of free nations, *under institutions of her own choosing*"; for if, unhappily, Russia should continue to choose a Bolshevik government, then other nations may well leave Russia to return, as a dog, to his vomit.

The author also confesses his inability to recognize Russia as an innocent victim, with a just claim that the other allied nations, themselves impoverished, shall support her. To many, her treachery to her allies is the blackest chapter of the war. It cost Great Britain and France a million lives. To this, the Soviet government added the black ingratitude of repudiating all the loans that France and Great Britain had made to her, aggregating over nine billion dollars. Has Russia, as at present constituted, any just claim to be rebuilt by the nations which she betrayed?

VII.—Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

No one can question the wisdom and justice of this proposal; but some would wish that the reparation to be accorded to Belgium had been more clearly expressed.

To “restore” Belgium would not mean full reparation, much less retributive justice for the great wrong done to her.

It is fair to assume that the President means that Belgium must not only be evacuated and restored to her former dignity as a free and independent nation, but that the fullest reparation possible shall be done to her for the infinite sacrifices she has sustained and the equally infinite wrong that has been done to her.

VIII.—All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.

Here again, the world will say "Amen" to the eighth proposition; always assuming that there is no *arrière pensée* as to the manner in which the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine should be righted. In other words, it would not right the wrong to France to establish the Rhine provinces as a buffer state, or to give them merely autonomy under German sovereignty.

It is improbable that such a possibility is in President Wilson's contemplation. His full intention to right the wrong to France by the full recession of the conquered provinces to France may be safely assumed. As this book goes to press, the Associated Press states that it is authorized to say that in this proposition the President contemplates the cession of the provinces to France. The doubt, which many have had, is thus happily solved.

It is also to be noted that the fourteen propositions say nothing with regard to any pecuniary indemnity to France; but the Allies' memorandum transmitted by the President, with his approval, November 5, 1918, provides for indemnity for damages done to the civilian populations of the Allies and their property. This is the very least which should be done. Without such indemnity,

France would be impoverished and her future crippled for generations. But France should also receive back the indemnity of one billion dollars which was wrung from her by Prussia in 1871, and full justice requires that the immense natural resources of Germany should be taxed in order to give to France, as to all the Allies, full compensation for the losses they have sustained in vindicating the basic principles of civilization, and not merely for the losses caused by the barbaric devastations of the invaders.

IX.—A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

Assuming that this means the realization of Italy's reasonable aspirations with reference to *Italia irredenta*, then this condition is one that would receive general assent. Shall Italy have no other compensation for her sacrifices? Again we must read into the proposition an implied right to full compensation.

X.—The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

This declaration is admirable, with the exception that it apparently contemplates the inclusion

of the Slav states in Austria-Hungary as autonomous bodies. It may be questioned whether the peace conference will be content with President Wilson's tenth proposition, thus to "safeguard and assure" the present empire of Austria-Hungary. What becomes of our promise to create a Czecho-Slovak state and a Jugo-Slav nation to the south-east?

Here again it must be assumed that later events will induce President Wilson to amplify his tenth proposition and this is clearly foreshadowed by his recognition of some of the Slavic nations, which are attempting to break away from the ramshackle Empire.¹

XI.—Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.

¹ As the author is correcting the final proofs of this portion of the book, President Wilson, by a note to Austro-Hungary, dated October 18, 1918, has formally withdrawn this proposal and left it to the constituent states of the Austrian Empire to determine their own destiny. This seems a wise solution of the matter.

This admirable suggestion fully meets the necessities of the situation if compensation be also granted to these brave little states who have made such infinite sacrifices for the great cause.

XII.—The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

It may be questioned whether the peace conference will be satisfied with this proposition. It apparently contemplates that Turkey shall remain in Europe and the problem of Constantinople remain to plague future generations and involve them in war.

It may be questioned whether the allied nations will not insist upon the Ottoman Empire returning to Asia, where it belongs, so that the Church of St. Sophia shall again become a Christian Church. Certainly the Christian world will not be satisfied if this time Turkey remains in Europe as its plague spot.

XIII.—An independent Polish State should be erected which should include the territories inhabited

by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

This is one of the noblest of President Wilson's propositions and its manifest wisdom and justice will be generally acknowledged.

XIV.—A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike.

Here again, the thoughtful critic is in doubt as to the exact nature of the association of nations which the President has in mind.

If he simply plans a continuing alliance between the nations of liberal ideas, to safeguard the results of the war in the manner described by him, his proposition will receive general assent.

Nothing could be more unwise than for the great alliance to break up when this war shall end. We shall need our Allies and they will need us for generations to come. Especially will Great Britain, France, and the United States, as the three great democracies, be mutually interdependent.

It is true that the President has hitherto refused to recognize the nations now fighting with us as

allies, until his last reply to the German Government, when, for the first time, the words "allied governments" were used. Until then, a meticulous distinction was sought to be made in all state documents between "allies" and "associates." . Attention is directed to this now abandoned distinction, only because, if America, even when fighting side by side with other nations in a life-and-death struggle, could not regard them as allies, it would be even more difficult to make a detached nation like the United States an integral part of a league of nations, if such league required a partial abdication of its sovereignty.

Apparently the President, by his "general association of nations" has in mind a league of all nations, including our present enemies, which would constitute "the parliament of man and the federation of the world" of Tennyson's dream.

This is a noble and generous ideal, which has led men, like a will-o-the-wisp, in all centuries. It has, however, always come to grief. As Mr. J. B. Firth, in a recent issue of *The Fortnightly Review* well observes, the pages of history "are strewn with the débris of shattered Leagues and Alliances."

We have had in our own time two kinds of leagues of nations. One was an almost universal

league, such as President Wilson evidently contemplates, which twice met at The Hague and in which forty-four sovereign nations, including Germany and Austria, participated. Twice this assemblage of nations met as a common parliament of humanity.

In The Hague Convention of 1907, it was solemnly agreed, the delegates of Germany and Austria assenting, that "arbitration is recognized by the contracting Powers as the most effective and at the same time the most equitable means of settling disputes which diplomacy has failed to settle."

Notwithstanding this solemn covenant, when Serbia, in July, 1914, had assented to every demand of Austria, except one, and had asked that that be referred to The Hague Tribunal, and when, later, the Czar of Russia appealed to the Kaiser to leave the one disputable question between Austria and Serbia to The Hague Convention, not only did Germany and Austria refuse the arbitration, but, when they broke the covenant of The Hague, at first only Russia, Serbia, Montenegro, France, and Great Britain, of all the contracting parties, supported the covenant of arbitration by force of arms.

Moreover, the same Hague Convention, representing substantially all of civilization, had ex-

pressly provided that the horrors of war should be mitigated and that "all necessary measures should be taken to spare as far as possible buildings devoted to religious worship, arts, science, and charity, historical monuments, and places of assembly of sick and wounded." "The honour and the rights of family, the life of individuals, and private property should be respected." "Private property shall not be confiscated." Contributions in money in occupied territory shall be levied "only for the needs of the army or of the administration of said territory." "Looting is positively forbidden." Hospital ships shall be respected. The bombardment of undefended cities or villages is forbidden. "It is forbidden to lay submarine mines off the coasts and ports of the enemy with the sole object of interrupting commercial navigation."

Notwithstanding this solemn agreement, Germany and her allies proceeded to violate each of these stipulations, and a larger part of the world, for nearly three years, refused to lift a hand to prevent these outrages.

This experience does not give the thoughtful man, who prefers realities to illusions, much hope that a league of nations can be constituted which will withstand the ordeal of actual conflict. Un-

fortunately, such a league cannot change human nature, and, until human nature is changed, the value of such a league may well be doubted.

Another league, however, did exist and still exists. I refer to the present alliance of the liberal forces of the world to impose upon the recalcitrant nations the great principles of civilization. That league has proved its worth and efficacy on the field of battle after four long years, and that league should continue, if only to safeguard the results of the great victory which now seems so near at hand.

President Wilson's proposition, taken in connection with his many eloquent discussions of the league of nations, evidently contemplates the formation of a world-wide league, in which Germany and Austria can again appear as recognized members, and the great question therefore suggests itself whether, in view of the experience of the Hague Conventions, great nations like Great Britain, France, the United States, and Italy, will be willing to abdicate their sovereignty to a league of nations comprising the just and the unjust, the liberal and the illiberal, forces of civilization, upon some undefined method of operation.

There is undoubtedly a widespread opinion among the liberal forces of the world in favour of the constitution of a league of nations; but those

who have analyzed the suggestion and attempted to work out in a concrete form its details find themselves in great doubt as to its wisdom and practicability.

If we, for example, ask the initial question as to whether all nations shall be equal in the league, we find ourselves confronted with an almost insuperable difficulty.

Can it be that Siam will cast an equal vote with England, or Bolivia with the United States?

If equality of influence in voting is impossible, then in what way will the comparative influence of the members of the league be graded? Will it be by population? Then Russia will have a greater voice than Great Britain, France, or the United States, and the recent history of Russia hardly seems to justify such leadership.

Is it to be by land area? Then again, Russia, the giant, would have the predominant voice.

Is it to be by wealth? Then the United States would have the leading voice. But, in questions primarily of European origin, is it likely that historic nations like Great Britain and France would give preference to the United States simply because its material resources were greater? The greatness of a nation depends upon something more than the aggregate of its trade statistics.

How, then, shall the relative influence of the nations be graded?

Again, is it possible that the people of the United States would agree to any laws which a majority of the nations of the world might adopt? Would they surrender the Monroe Doctrine if a majority of the nations, under any form of voting, came to the conclusion that the Monroe Doctrine was an obstacle to progress and that the European nations should have the amplest opportunity to colonize in South America?

The most realizable feature of the proposed league of nations is a supreme judiciary of the world; but by what laws or standard of conduct shall great questions of policy be determined, and where can a judiciary be found whose members can divest themselves of the bias of their nationality to an extent sufficient to justify an impartial judgment?

Americans found, in the electoral contest of 1876, that even Justices of the Supreme Court of the United States could not forget that they were Republicans and Democrats, and it may be doubted whether any permanent judiciary could be constituted by the agreement of nations, or members found, who would, where questions of great moment were concerned, decide them with-

out being somewhat influenced by their own national or racial prepossessions.

The league of nations invites the sovereign nations of the world to abdicate in part their sovereignty. It is an ideal, a beautiful vision: but many thoughtful men are inclined to think that the world is at present centuries behind the ideal.

At all events, it may well be doubted whether, after the greatest exhibition of brute force that the world has ever known, when the ordinary processes of reason have shown their futility in preserving the peace of the world as against a recalcitrant member of society, the nations will agree to a league of nations which would involve any closer organic unity than marked the futile deliberations of the two Hague Conventions.

It is probable that the Senate of the United States would debate a long time before it surrendered the sovereignty of the most independent and self-sustaining nation in the world to the possible misrule of a league of nations, whose members would differ so greatly in the degree of civilization to which they had severally attained.

Certainly the Allies would look askance at the admission at the present time of the Prussian Empire into the league of nations. Von Bethmann

Hollweg, while he was still Chancellor and at a time when he was attempting to force peace negotiations, proclaimed his adherence to the league of nations,—and generously added that Germany would be happy to lead it. Undoubtedly Germany would be happy to lead it, and it is this circumstance that would give Great Britain, France, and the United States just reasons for hesitation before they would share the government of the world with an empire which has, even now, failed in its nefarious attempt to destroy the very bases of international relations.

Volumes could be written about each of these propositions. Enough has been said to indicate that, while all are admirable in spirit, they present serious and disputable questions.

Hamlet's love of philosophic speculation was one of his greatest characteristics. Nothing pleased him more than to discuss with courtiers, statesmen, or actors the great problems of human life, and it must be admitted that he discussed them with an eloquence of diction that has never been surpassed.

But Hamlet's real task was a sterner one. It was to drive the usurping king from the throne of his country, and America's task in

this great crisis of mankind is not to indulge in its characteristic love of impracticable idealism, but to devote itself to the sterner, practical task of reconstructing a shattered civilization upon a surer foundation.

It can do this best in co-operation with its noble Allies, and the author can best conclude with the confident prediction that Hamlet will thus act.

When the time comes for the formulation of a treaty of peace, the United States will lay aside rhapsodies of words and consider the practical, for if the American is an idealist, he is also the most practical of men, when the time for words is past and that for action arrives. America indulged in noble generalizations in its Declaration of Independence, but when it drafted its Constitution, it dropped from the clouds of generous abstractions to the solid earth of realities and framed a government that has been a model for nation-builders ever since.

There is little reason to doubt that, when the peace conference meets, the President will make a wise selection of the representatives who will wisely act for him in the most delicate and difficult task of formulating such a treaty of peace as the United States can execute. Possibly he may himself sit

at the peace table, and if so, he will take as conspicuous a place as did Bismarck at the Congress of Berlin of 1878.

This would violate all precedents, but why not? This has been a precedent-breaking epoch and President Wilson would be his own best representative in negotiating the great compact, which will bring the world war to an end.

It is to be hoped that he will put aside, as mere expedients of the moment, such terms of peace as the greater wisdom of later days has shown to be of questionable wisdom.

It is, above all things, to be hoped that, as the Chief Magistrate of the most powerful and most idealistic nation in the world, he will exert his influence at the peace table for the full vindication of that higher law to the discussion of which this book has been devoted.

President Wilson will become one of the greatest Presidents of the United States and one of the most masterful statesmen of modern history, if he will at the peace conference insist upon the expulsion of Prussia from the Germanic Confederation, upon the reconstitution of the older and nobler Germany, and upon such further measures of reparation and retribution as will fully vindicate the higher law.

President Wilson has borne with quiet dignity the heaviest burdens ever imposed upon an American President since Abraham Lincoln. This fact should give his countrymen a deep feeling of sympathy for him, as, Atlas-like, he bears our burdens upon his shoulders. It should make us tolerant of occasional errors of judgment and deeply appreciative of all that he says or does for the common good.

This attitude of tolerant sympathy should not, however, silence the voice of reasonable and constructive criticism.

The President is not infallible. The oil of anointing, with which the forehead of the monarch was touched and which was supposed to give him infallibility, has not touched the forehead of any American President, all of whom did foolish things as well as wise ones, and all of whom welcomed the respectful criticism of those for whom they acted.

The President has claimed, and with justice, that in all that he has done, he has attempted to interpret the opinions and wishes of his fellow citizens. To do this, he must know what these opinions and wishes are; for, if it be disloyal to suggest doubt as to the wisdom of any executive proposal, then the President will be as

an ancient Roman emperor, who heard only the voice of his flatterers and never that of his critics.

The Constitution assumed that a republican form of government could endure only if it rested upon a sound public opinion, and, to this end, freedom of the press and freedom of speech were guaranteed. For any American to express an honest dissent to any act or proposal of the Executive, with whose wisdom or justice he differs, is to be not disloyal but loyal to our institutions.

It is eminently proper, therefore, that all Americans, each of whom has made some sacrifice for the great cause, should be left free to express their opinions as to the terms of peace, in order that both the President, as the initiating power, and the Senate, as the final and treaty-making power, shall have the benefit of an enlightened public opinion.

To this end, this little book is written by one who, from the beginning of the world war, has believed that America would be drawn into the conflict, and that upon its issue rested not only the maintenance of the liberty and the policies of the United States, but the future welfare of mankind.

The War and Humanity

By
James M. Beck

A Notable Sequel to "The Evidence in the Case"

"Mr. Beck's volume was a classic the moment it appeared. We know of no more logical and lucid discussion of the essential facts and problems of the great war, nor any more truly, consistently, and even vigorously American in its spirit. We should be well content to let it stand, if there were no other, as the authentic expression of the highest aspirations, the broadest and most penetrating vision, and the most profound convictions of the American nation on matters which have never been surpassed and have only twice been rivalled in vital interests in all our history."—*New York Tribune*.

THEODORE ROOSEVELT'S OPINION

"It is the kind of a book, which every self-respecting American, who loves his country, should read."

Revised and Enlarged Edition

Nearly 400 pages. \$1.50 net. By mail, \$1.65

At All Booksellers

G. P. Putnam's Sons

New York

London

The Evidence in the Case

A Discussion of the Moral Responsibility for the War of
1914, as Disclosed by the Diplomatic Records
of England, Germany, Russia, France
Austria, and Belgium

By

JAMES M. BECK, LL.D.

Late Assistant Attorney-General of the U. S.

With an Introduction by

The Hon. JOSEPH H. CHOATE

Late U. S. Ambassador to Great Britain

*15th Printing—Revised Edition with much Additional
Material*

12°. Over 280 pages. \$1.25 net. By mail, \$1.35

“Mr. Beck’s book is so extremely interesting from beginning to end that it is difficult when once begun to lay it down and break off the reading, and we are not surprised to hear not only that it has had an immense sale in England and America, but that its translation into the languages of the other nations of Europe has been demanded.”—*Hon. Joseph H. Choate in The New York Times.*

New York G. P. Putnam's Sons London

The Vandal of Europe

By Wilhelm Mühlon

12°. \$1.50 net. By mail, \$1.65

Herr Mühlon, formerly one of the important directors of the great Krupp works, and intimately connected with the ruling group of the German Empire, is now an exile. Why? Because he became sickened by the ruthless ambition and barbarous methods of the military caste that plunged the world into the present terrible warfare.

This book is Mühlon's diary, kept during the first few months of the war, when he was still a director of Krupp's.

On August 30, 1914, he wrote: "It is only today that I have at last learned to know my compatriots." A few days later: "The German press is a shameful liar." On November 10th: "I have received authentic information from the front that the Kaiser declared before an assembly of officers that Germany had enough prisoners, and that henceforth no more prisoners must be taken alive." This all-important volume merits world-wide circulation.

G. P. Putnam's Sons

New York

London

The Guilt of Germany

For the War of German Aggression

By
Prince Karl Lichnowsky

Preface by

Viscount Bryce

12°, Price, 75c, net. By mail, 85c.

This volume contains Prince Lichnowsky's famous "memorandum" in which he fastens the guilt for propagating the world war, on Germany—unhesitatingly proclaims it the war of German Aggression. The author was German Ambassador to England before hostilities broke out, and he upholds England as blameless, and hails Earl Grey as an apostle of Peace. Von Jagow's reply to the "memorandum" is included.

G. P. Putnam's Sons

New York

London

